Filing # 48205363 E-Filed 10/27/2016 06:47:33 PM

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO. 50 2015 CA 011377 XXXX MB
DIV: AE

LEIF BROBERG,

Plaintiff,

v.

CITY OF BOYNTON BEACH, a
Florida municipal corporation, and
SUZANNE CRAWFORD, individually,

Defendants.
_____/

AMENDED COMPLAINT

Plaintiff, LEIF BROBERG ("Broberg"), hereby sues Defendants, CITY OF BOYNTON BEACH ("City"), and SUZANNE CRAWFORD ("Assistant Chief S. Crawford"), and states:

Jurisdiction, Parties, and Venue

1. This is an action for damages greater than $15,000 exclusive of interest, costs, and attorney's fees, and for injunctive relief against the City pursuant to Florida's Public Whistle-blower's Act, Florida Statutes §112.3187 et seq.

2. Plaintiff, Broberg, is an individual residing in Palm Beach County, Florida, and is *sui juris*. Broberg was a Sergeant with the City of Boynton Beach Police Department ("BBPD" or "Department"). He served in the BBPD for nearly 25 years.

3. Defendant, City, is a Florida municipal corporation of the State of Florida and was Broberg's employer at the time of the actions giving rise to this cause of action. City is an "Agency" as defined in the Whistle-blower's Act.

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4. Defendant, Assistant Chief S. Crawford, is an individual residing in Palm Beach County, Florida, over the age of 18, and *sui juris*. Assistant Chief. S. Crawford is employed as an Assistant Chief for uniformed officers for the BBPD.

5. With the exception of the acts committed or omitted by Assistant Chief S. Crawford, all of the acts complained of herein were committed or omitted by employees of the City while working within the scope of their respective employment. At all material times, the acts committed or omitted by Assistant Chief S. Crawford, as described herein, were done outside the scope of her employment and for her own personal and individual gain.

6. The City has waived any sovereign immunity defenses it may have had pursuant to Florida Statutes §768.28.

7. Venue is proper in Palm Beach County pursuant to Florida Statutes §47.011 in that the causes of action asserted herein each arose in Palm Beach County, Florida.

General Allegations

8. Florida's Whistle-blower's Act, found at Florida Statutes §§112.3187 through 112.31895, is intended to protect public employees who report misconduct by government officials and employees from retaliation. Fla. Stat. §112.3187(2) (2015).

9. This case represents a classic whistle-blower scenario: a public employee — in this instance, a decorated police sergeant with nearly 25 years on the force — reported unethical and possibly criminal activity by law enforcement agents and supervisors; when his supervisors learned about it, he was harassed and threatened; when he reported the harassment, his supervisors (most notably Chief of Police Jeffrey Katz ("Chief Katz") and Assistant Chief S. Crawford), the BBPD, and the City retaliated against him, placed him on leave, slandered his name among his fellow police officers, and ultimately recommended that he be fired without cause.

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10. This is precisely the situation the Whistle-blower's Act was designed to address.

A. Broberg is Interviewed by FBI Agents Investigating the BBPD

11. This case has its genesis in a discussion that Broberg had on April 9, 2015 with agents from the Federal Bureau of Investigation ("FBI"), who were investigating an alleged "cover-up" within the BBPD (the "April 9 FBI Interview").

12. The FBI's investigation concerned the arrest of Byron Harris ("Harris"), a 26-year-old African-American man, which took place around 2:00 a.m. on August 20, 2014. BBPD officers tried to pull over Harris, and Harris led them on a high-speed chase, running into and seriously injuring one of the officers. A Palm Beach County Sheriff's Office ("PBSO") helicopter witnessed the scene and filmed it from the air. The video shows that after the officers finally stopped Harris' vehicle and pulled Harris and two passengers from the car, they beat and kicked Harris repeatedly as he lay on the ground (the "Byron Harris Incident"). Harris was thereafter placed under arrest by the BBPD officers.

13. At the time of the Byron Harris Incident, Broberg was on medical leave recovering from a back injury, and did not return to active duty until late August or early September, 2014.

14. Unbeknownst to Broberg, Chief Katz and the BBPD attempted to "bury" the video of the Byron Harris Incident, including by concealing the existence of the video from Harris' attorneys.

15. Eventually Chief Katz enlisted the help of Christopher Crawford, a detective with the BBPD assigned to the Palm Beach County Public Corruption Task Force ("PCTF"), who is also the husband of Assistant Chief S. Crawford. Chief Katz evidently believed that having an ally assist in the investigation would help keep the Byron Harris Incident (and Chief Katz's own subsequent attempts to cover it up) "under wraps."

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16. Thereafter, the FBI began its own investigation of the Byron Harris Incident.

17. In the course of the FBI's interviews, Broberg was identified as someone who may have knowledge of the cover-up because he was a longtime member of the force, known as a "cop's cop." Accordingly, the FBI summoned Broberg for an interview, which took place on or about April 9, 2015 (the "April 9 FBI Interview").

18. During the April 9 FBI Interview and in response to the FBI's questions, Broberg told the agents that he had been on medical leave at the time of the Byron Harris Incident and was not otherwise involved. However, Broberg also stated truthfully that other members of the department had told him that Chief Katz and Assistant Chief Kelly Harris had spoken about "getting rid of" the video and concealing the nature of the Byron Harris Incident.

19. In the context of discussing Chief Katz's referral of the Byron Harris Incident investigation to the PCTF, of which Christopher Crawford was a member, Broberg and the FBI agents then discussed another BBPD incident, concerning the conviction of Wilson Pierre. ("Pierre").

20. Pierre was convicted in 2009 of second-degree murder and sentenced to 40 years in prison for the killing of Berno Charlemond at the Boynton Beach Mall on Christmas Eve, 2006. Just as with the Byron Harris Incident, Broberg had no personal involvement with the arrest or conviction of Pierre.

21. In July 2014, the Fourth District Court of Appeals vacated Pierre's conviction and ordered that he be given a new trial.

22. A former member of the BBPD ("Former Officer") gave testimony to Pierre's attorney and investigator in early February, telling them that then-Detective Christopher Crawford

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(the husband of Assistant Chief S. Crawford, who was at the time a Major with the BBPD) had falsified a photo line-up by coaching the witness to choose Pierre's photo.

23. During the April 9 FBI Interview, Broberg told the FBI that he did not have independent knowledge of the photo line-up, but confirmed that the Former Officer had told him that Christopher Crawford had falsified the photo line-up by coaching the witness to choose Pierre's photo.

24. Broberg had not previously mentioned to Chief Katz what he had heard from the Former Officer, for several reasons: by the time of Broberg's conversation with the Former Officer, Pierre's conviction had already been vacated; Broberg knew that he had no independent knowledge of Christopher Crawford's actions, only second-hand "hearsay"; and furthermore, he feared that making these allegations within the Department would lead to retaliation from Chief Katz and Assistant Chief S. Crawford. These fears were later proven to be well-founded.

B. The May 4 Meeting

25. On May 4, 2015, a meeting was held at the BBPD, attended by Broberg, Assistant Chief S. Crawford (at the time still a Major), and BBPD Sergeant Gladys Cannon ("May 4 Meeting").

26. During the May 4 Meeting, Assistant Chief. S. Crawford became very hostile to Broberg. S. Crawford verbally threatened Broberg, mocked him, and at one point told him he should call his union representative. Broberg stated that since he had done nothing wrong he did not need to call his union representative. Assistant Chief S Crawford then asked Sgt. Cannon to leave the room. When he heard this request, Broberg feared that Assistant Chief S. Crawford had learned that he had told the FBI about her husband's misconduct and that he was to be punished for having done so. Fearing her retaliation, Broberg asked Sgt. Cannon to stay in the room, and

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suggested to Assistant Chief S. Crawford that he would like to record the remaining "punishment portion" of the meeting on a tape recorder. She became very angry and forbade him from recording the meeting. Instead, she called an end to the meeting.

27. Shortly after, Assistant Chief S. Crawford reported to supervisors that Broberg had acted in an unprofessional and threatening manner during the May 4 Meeting. Sgt. Gladys Cannon quickly refuted this charge, as there was no truth to it whatsoever. Notwithstanding, Assistant Chief. S. Crawford had attempted to intimidate Broberg and to punish him for his truthful testimony to the FBI.

28. Justifiably, Broberg feared that Assistant Chief S. Crawford's threats at the May 4 Meeting and her subsequent lies about him to the entire department were just the tip of the iceberg.

C. **Broberg Blew the Whistle on Assistant Chief S. Crawford's Threats**

29. The following day, on May 5, 2015, Broberg provided the City's Manager, Lori LaVerriere, with a notice ("Whistleblower Notice") pursuant to the Florida Whistleblower's Statute, §112.3187(6), Florida Statutes. Therein, Broberg stated that his disclosure to the FBI about the Byron Harris Incident and Christopher Crawford photo array led to him being threatened by Assistant Chief S. Crawford. "Since my disclosure," he wrote, "I have been accosted by the spouse of the detective/investigator [Christopher Crawford], Boynton Beach Police Major Suzanne Crawford, and have good reason to believe I am being retaliated against specifically because of the information I disclosed to the FBI about her husband's conduct, among other disclosures I made about another case currently subject of investigation." A true and correct copy of the Whistleblower Notice is attached hereto as **Exhibit "A."**

30. Assistant Chief S. Crawford had attempted to intimate, harass, and coerce him, as a witness in an FBI Investigation, and, in so doing, attempted to interfere with the FBI's

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investigation of the Byron Harris Incident as well as her husband's falsification of the photo array in the Pierre case. Such conduct constituted, malfeasance and a gross neglect of her duties at the BBPD, and of Florida law.

31. On or about May 7, 2015, the FBI once again spoke with Broberg as part of its ongoing investigation into the BBPD. He confirmed his prior testimony regarding the Byron Harris Incident and the photo-array falsification by Christopher Crawford.

D. The Retaliation: Assistant Chief S. Crawford Publicly Disclosed Broberg's Testimony to FBI, and Lied about Him to the Department, and the City Placed Him on Administrative Leave

32. After having received the Whistleblower Notice, on or about May 12, 2015, City Manager Lori LaVerriere informed Broberg that he was being relieved of his duties as a BBPD sergeant and placed on administrative leave, indefinitely ("Leave Notice"). A true and correct copy of the Leave Notice is attached hereto as **Exhibit "B."**

33. That same day, Assistant Chief S. Crawford attempted to cover her tracks and sent an email ("Crawford Email") to the entire BBPD advising them that Broberg had "expressed a concern regarding his professional welfare after volunteering information to the FBI. Based on this concern, he has been placed on administrative leave with pay until further notice." A true and correct copy of the Crawford Email is attached hereto as **Exhibit "C."** A copy of this email was also placed on a bulletin board in the Department.

34. The Crawford Email is remarkably duplicitous. First, Broberg did not express concern about his job safety to Assistant Chief S. Crawford. Rather, he became concerned that *she* would retaliate against him after her outbursts, threats, and lies, and he had expressed that concern in the Whistleblower Notice. In its gross mischaracterization of the situation, the

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Crawford Email itself was itself an instance of retaliation, an attempt by Assistant Chief S. Crawford to smear Broberg as a "rat" and a coward.

35. The following day, on or about May 13, 2015, by and through general counsel for the Palm Beach Police Benevolent Association, Inc. ("PBA"), Broberg sent City Manager Lori LaVerriere a grievance notice ("Grievance Notice Letter") and submitted a written grievance form and correspondence ("Grievance Forms") to Katz. A true and correct copy of the Grievance Notice Letter and Grievance Forms are attached hereto as **Composite Exhibit "D."** The Grievance Notice Letter and Grievance Forms noted that Broberg had been disciplined without cause in violation of his rights under the Collective Bargaining Agreement between the PBA and the City.

36. On or about May 22, 2015, Broberg attended a meeting with PBA attorney Gary Lippman, BBPD HR Director Julie Oldbury and the City's Attorney, James A. Cherof, to discuss Broberg's administrative leave and the threats made by Assistant Chief S. Crawford. At the conclusion of this meeting, the City simply stated that it would "look into" the situation. However, in the end nothing was done.

37. On July 24, 2015, Chief Katz announced the promotions of several officers. Broberg was ineligible for these promotions *solely* because he has been placed on administrative leave. Broberg had more seniority, a better record, and higher evaluation scores than most, if not all, of the officers promoted.

38. Approximately three (3) months later, on August 12, 2015, Broberg received correspondence from the BBPD Human Resources Director, Julie Oldbury, informing him she had determined that there was insufficient evidence to support his whistleblower claims of harassment, hostile work environment and retaliation by Assistant Chief S. Crawford ("Conclusion Notice"). A true and correct copy of the Conclusion Notice is attached hereto as **Exhibit "E."**

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39. Pursuant to the Conclusion Notice, Broberg's paid administrative leave status with the BBPD was to end on August 16, 2015, and he was to return to work.

E. The Retaliation Continued: Chief Katz Investigated Broberg for not Reporting Christopher Crawford's Wrongdoing Soon Enough and for Telling the FBI

40. Broberg, however, was never permitted to return to work. Two days after Broberg received the Conclusion Notice, on Friday August 14, 2015 at 6:10 pm, Chief Katz sent a letter to Broberg, via email, advising that the BBPD was initiating an internal affairs ("IA") investigation against Broberg and that he was suspended from active duty immediately ("Suspension Notice"). A true and correct copy of the Suspension Notice is attached as **Exhibit "F."**

41. The Suspension Notice accused Broberg of violating his duties by: (1) not reporting Christopher Crawford's falsification of the line-up soon enough and (2) by reporting Christopher Crawford's falsification of the line-up to the FBI. After suspending him for violating his alleged duty to report Christopher Crawford's wrongdoing *and* his alleged duty *not* to report Christopher Crawford's wrongdoing to the FBI, Chief Katz forbade Broberg from using BBPD equipment, carrying his police firearm or displaying his badge. Then, using an Orwellian turn of phrase, Chief Katz closed the Suspension Notice by stating, "This is not a disciplinary action."

42. Pursuant to the Suspension Notice, Broberg was immediately suspended from the BBPD and again placed on administrative leave with pay.

43. The irony of this latest suspension was not lost on Broberg. He did not report what he had learned second-hand about Chris Crawford's falsification of the photo array because he feared it would lead to retribution from his superiors, including Chief Katz, and Christopher Crawford's wife, Assistant Chief S. Crawford. After he was compelled to report the same during an official FBI investigation of the BBPD, he was threatened by Assistant Chief S. Crawford, then

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reported those threats, and his fears were confirmed – Chief Katz and Assistant Chief S. Crawford retaliated against him.

F. The Retaliation Continued: Chief Katz Recommended Termination

44. Chief Katz's Suspension Notice was sent to Broberg, via email after 6:00 pm on a Friday, August 14th. In the Suspension Notice, Katz demanded that Broberg send a written response and to provide a written memorandum of any other administrative or criminal wrongdoing of which he was aware within 72 hours – i.e., by Monday, August 17, 2015.

45. Due to the late hour in which it was sent, Broberg did not see the letter until he checked his email the next day, Saturday morning August 15th. Broberg wrote to Chief Katz to request additional time to submit his written report, so that he would have time to meet, first, with his PBA counsel who would be out of town until Tuesday, August 18th. Chief Katz waited until 8:46 pm to respond, at which time he refused to extend the arbitrary deadline. Chief Katz demanded that the written report be submitted no later than 72 hours from the time Broberg opened his email – i.e., no later than 9:58 a.m. on Tuesday, August 18, 2015.

46. In light of the foregoing, a PBA lawyer then wrote to Chief Katz on August 17, 2015, requesting an extension and explaining (again) that Broberg's PBA counsel was not available and needed additional time to advise Broberg.

47. Chief Katz declined the extension request, and took the position that Broberg was not entitled to be represented by counsel.

48. On the morning of August 18th, Chief Katz sent a memorandum to City Manager, Lori LaVerriere, recommending that Broberg be terminated – after 24 ½ years of service — for

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failing to provide his written response to the Suspension Notice by 9:58 a.m. that morning. A true and correct copy of Chief Katz's memorandum ("Termination Memo") is attached as **Exhibit "G."**

49. In other words, less than four days (and less than 2 business days) after telling Broberg that the BBPD intended to investigate Broberg's alleged violations of duty, Chief Katz recommended, without an actual investigation and without warning, that Broberg be fired.

50. The Termination Memo was not provided to Broberg or his PBA attorneys for several weeks. As such, on August 18, 2015, Broberg had no notice that this was happening.

G. The Retaliation Continued: The City Refused to Respond to Broberg's Request for Documents

51. Also on August 18, 2015 — the same day Chief Katz delivered the Termination Memo to the City Manager unbeknownst to Broberg — Broberg's PBA counsel submitted a written records request to the City pursuant to Chapters 119 and 447 of the Florida Statutes, seeking a copy of the investigation file regarding Broberg's Whistleblower Notice. A true and correct copy is attached as **Exhibit "H."** The City delayed responding to this request for a month – until after Broberg received word of his termination and his PBA counsel had sent a second and third request.

52. In other words, the City suspended Broberg on the grounds that its "investigation" showed that he had violated his alleged duties to report and not to report official misconduct. The City had further received the Termination Memo (but did not provide it to Broberg or the PBA). Then for weeks the City refused to provide Broberg with any of the documents relating to the City's "investigation" of his Whistleblower Notice.

H. The Retaliation Continued: The City Notified Broberg that Chief Katz Recommended his Termination and Scheduled a Predetermination Conference

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53. On September 8, 2015, City Manager Lori LaVerriere notified Broberg, for the first time, that Chief Katz had recommended his termination, and scheduled a "Predetermination Conference" for September 22, 2015[1] (the "Predetermination Notice"). A true and correct copy of the Predetermination Notice is attached hereto as **Exhibit "I."** Chief Katz's Termination Memo was included as an enclosure to the Predetermination Notice.

54. On September 11, 2015, Broberg's PBA counsel sent the City a second records request asking for the documents relating to the City's decision to terminate Broberg and again asking for the City's investigation file (the "Second Records Request"). A true and correct copy of the Second Records Request is attached hereto as **Exhibit "J."**

55. When a response to the First and Second Records Requests was not forthcoming, Broberg's PBA counsel sent the City a third records requests on September 16, 2015, a true and correct copy of which is attached as **Exhibit "K."** Though the City provided some documents in response to these requests, notably the City has provided virtually no email correspondence between Chief Katz and Assistant Chief S. Crawford.

I. Broberg Has Been Damaged by the Defendants' Retaliation

56. As a result of Broberg's disclosures to the FBI and the Whistleblower Notice, Chief Katz and Assistant Chief S. Crawford enacted a retaliatory scheme whereby Broberg was denied promotional opportunities on at least one (1) occasion.

57. As a result of Broberg's disclosures to the FBI and the Whistleblower Notice, Chief Katz and Assistant Chief S. Crawford enacted a retaliatory scheme whereby Broberg was placed on administrative leave, not once, but twice.

[1] The Predetermination Conference was later rescheduled for October 14, 2015.

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58. The City failed to protect Broberg, as an employee, from hostility and adverse actions Broberg has suffered continuously since May 2015, which culminated in the publicly embarrassing website comments on popular social media and other websites such as Facebook and www.pbsotalk.com. As a result of same, Broberg's credibility and integrity have been damaged and his character has been defamed.

59. By Chief Katz re-suspending Broberg, Broberg's career and reputation within the law enforcement profession has been damaged.

60. Broberg's suspension resulted in the loss of overtime, promotions, and other benefits.

61. Due to the acts and/or omissions of the City, Chief Katz and Assistant Chief S. Crawford, Broberg has suffered adverse employment and/or adverse personnel action.

62. The acts and/or omissions of Chief Katz and Assistant Chief S. Crawford amounted to gross mismanagement, malfeasance, misfeasance, improper use of a public official's position, and/or abuse and/or gross neglect of duty.

63. All conditions precedent to filing this action have been performed, excused, modified, or waived.

64. Broberg has satisfied all administrative remedies available to him and/or the City has waived, or is estopped from asserting, its right to proceed through administrative procedures and/or the City lacked available administrative procedures.

65. Due to Defendants' conduct, as alleged herein, Broberg has been obliged to retain the undersigned counsel to bring this action and Broberg is obligated to pay the undersigned a reasonable fee.

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COUNT I
Whistleblower Claim
(against the City)

66. Broberg re-alleges and re-avers the allegations in paragraphs 1 through 65 as if fully restated herein.

67. As set forth more fully above, the City subjected Broberg, its employee, to adverse personnel action in retaliation for his disclosure of information of the nature specified herein above.

68. The City's actions were in violation of Florida Statute Section 112.3187.

69. As a direct and proximate result of the City's violations, Broberg suffered damages.

WHEREFORE, Plaintiff, LEIF BROBERG, moves this Court for an award of actual and proximate damages from Defendant, CITY OF BOYNTON BEACH, together with lost wages, back pay, benefits, other remuneration, attorneys' fees and costs, and any such other and further relief this Court deems just and proper.

COUNT II
Tortious Interference
(against Assistant Chief S. Crawford)

70. Broberg re-alleges and re-avers the allegations in paragraphs 1 through 65 as if fully restated herein.

71. At all times material hereto, there existed a relationship between Broberg and his employer, the BBPD, under which Broberg has legal rights.

72. At all times material hereto, Assistant Chief S. Crawford had knowledge of this relationship.

73. By and through the actions described more fully above, Assistant Chief S. Crawford intentionally and unjustifiably interfered with this relationship.

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74. In interfering with this relationship, Assistant Chief S. Crawford acted with malice.

75. In interfering with this relationship, Assistant Chief S. Crawford acted with a sole ulterior and improper purpose detrimental to the BBPD's and the City's interests.

76. As a result of Assistant Chief S. Crawford's tortious conduct, Broberg has suffered damages.

WHEREFORE, Plaintiff, LEIF BROBERG, moves this Court for an award of damages against Defendant, SUZANNE CRAWFORD, together with an award of costs and interest, and any such other and further relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Broberg demands a trial by jury as to all issues so triable as a matter of right.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served this 27th day of October, by eService on all parties on the attached Service List.

Respectfully submitted

s/Adrian J. Alvarez, Esq.
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Counsel for Defendant, Suzanne Crawford

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May 5, 2015

SENT BY CERTIFIED MAIL # 7014 0510 0002 1714 4874
RETURN RECEIPT REQUESTED
BY EMAIL: LaVerriereL@bbfl.us
AND BY REGULAR U.S. MAIL

Lori LaVerriere, City Manager
City of Boynton Beach
100 E. Boynton Beach Blvd.
Boynton Beach, Florida 33435

Re: NOTICE PURSUANT TO §112.3187(6), FLORIDA STATUTES

Dear Ms. LaVerriere:

As you may know, I am a sergeant in your Police Department, and have been employed as a law enforcement officer with the City of Boynton Beach for 24 years. In or about January, 2015, I was advised by a former police officer for whom I was a supervisor of certain conduct relating to a photo line-up prepared part and parcel with a criminal investigation the police officer and a certain detective/investigator were conducting. To the extent this information involved conduct I reasonablely believed to be in violation of law and/or rules, and constituted malfeasance, misfeasance and a gross neglect of duty by the detective/investigator involved in the case, I dutifully disclosed the information to a Federal Bureau of Investigation agent.

Since my disclosure I have been accosted by the spouse of the detective/investigator, Boynton Beach Police Major Suzanne Crawford, and have good reason to believe I am being retaliated against specifically because of the information I disclosed to the FBI about her husband's conduct, among other disclosures I made about another case currently subject of investigation.

This notice is being provided to you pursuant to the referenced statute so as to afford my employer a reasonable opportunity to spare me from adverse employment action(s) the subject Major and/or others in the Boynton Beach Police Department have within their authority to initiate against me.

Respectfully,

Sgt. Leif Broberg

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EXHIBIT "A"

The City of Boynton Beach

OFFICE OF THE CITY MANAGER
100 E. Boynton Beach Boulevard
P.O. Box 310
Boynton Beach, Florida 33425-0310
City Manager's Office: (561) 742-6010
FAX: (561) 742-6011
e-mail: laverriere@bbfl.us
www.boynton-beach.org

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May 12, 2015

VIA EMAIL TO: Brobergl@bbfl.us and
U.S. Mail

Sgt. Leif Broberg
17069 Temple Blvd
Loxahatchee, FL 33470

Re: Administrative Leave with Pay

Sgt. Broberg,

I am in receipt of your correspondence dated May 5, 2015. To afford an opportunity to evaluate the merits of your allegations, I have directed the Chief of Police to place you on a non-disciplinary Administrative Leave with Pay while the City investigates the matter further. Please remain available during what would otherwise be your regularly scheduled hours, as you may be called in to be interviewed during the investigative process. If you created or maintain any records (notes, calendar entries, journals, recordings, etc.) that document the workplace issues you referenced in your correspondence, you must preserve those as public records and be prepared to produced them for inspection when requested to do so. Your full cooperation in the investigation is expected.

Very truly yours,

Lori LaVerriere
City Manager

LL/lms

Cc: Gary Lippman, Esquire (via email to: gary@pbcpba.org)
James A. Cherof, City Attorney
Jeffrey Katz, Chief of Police

EXHIBIT "B"

[redacted]

From: Crawford, Suzanne
Sent: Tuesday, May 12, 2015 3:30 PM
To: Police Lieutenants; Police Sergeants; Police Senior Staff Officers; Smith, Judith; Beaver, Debbie; Scott, Barbara; Bracone-Wooten, Janet; Solomon, Doug; Jackson, Dawn
Subject: Leif Broberg

Sgt. Leif Broberg expressed a concern regarding his professional welfare after volunteering information to the FBI. Based on this concern, he has been placed on administrative leave with pay until further notice. If you have any questions let me know.
Sgt. Phil Hawkins will now be the AWC on the A1/A2 shift.
Thanks

Major Suzanne Crawford | Uniform Services Division Commander| Boynton Beach Police |**561.742.6110** office| crawfords@bbfl.us | **Follow Us On:** Web; Twitter; Facebook; YouTube

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EXHIBIT "C"

PALM BEACH COUNTY
POLICE BENEVOLENT ASSOCIATION, INC.
2100 N. Florida Mango Road • West Palm Beach, FL 33409-6400 • (561) 689-3745 • (561) 687-0154 Fax
www.phepba.org

Executive Board

John Kazanjian
PBSO
President

Ernest W. George
Retired-WPBPD
Executive Director

Richard McAfee
PBSO
Vice-President

Lou Perque
WPBPD
Treasurer

Kevin Igo
PBSO
Secretary

Greg Allen
Palm Beach Gardens PD
Sgt. at Arms

May 13, 2015

SENT BY EMAIL: laverrierel@bbfl.us
AND REGULAR U.S. MAIL

Lori LaVerriere, City Manager
City of Boynton Beach
100 E. Boynton Beach Blvd.
Boynton Beach, FL 33425

Re: Sgt. Leif Broberg/Administrative Leave with Pay
Notice of Violation of Collective Bargaining Agreement

Dear Ms. LaVerriere:

As you know, this organization is the State certified exclusive representative for a bargaining unit of sworn law enforcement officers holding the rank of sergeant in your Police Department; among whom is the referenced Sergeant Broberg.

I am in receipt of your May 12 notice to him of his immediate reassignment to an administrative leave with pay in consequence, apparently, of his notice to you pursuant to §112.3187(6), Florida Statutes. Notwithstanding your characterization of this action as "non-disciplinary," it involves his involuntary loss of pay and benefits approximating $2,000 per month. To the extent that the reason for the action appears to be in retaliation for his Whistle-Blower activity, and it is no small matter than an email announcing the action and distributed to Police Department law enforcement command personnel among others is from the person he identified to you as likely to retaliate, we believe this action reasonably may be considered punitive and in violation of our current Collective Bargaining Agreement.

Accordingly, and without waiving Sgt. Broberg's right to initiate an action at law and/or this organization's prerogative to file an Unfair Labor Practice Charge with PERC, accompanying this communication is a courtesy copy of a Grievance being filed today; the bases of which are self-evident.

To the extent that your notice to him was also by and through official City email, and it contains his home address, we expect you will ensure that confidential and exempt from disclosure information will not be republished.

Respectfully,

Gary Lippman
General Counsel

GL/adt
Attachment/Enclosure as noted
ECopy: John Kazanjian, President
PBA Member

The Voice of Palm Beach County's Law Enforcement

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COMPOSITE EXHIBIT "D"

Palm Beach County Police Benevolent Association

Written Grievance Form

Palm Beach County PBA on behalf of
Grievant: Sgt. Leif Broberg _____ Date: May 13, 2015

Employer: Boynton Beach PD _____ Employment Date: n/a

Job Title: Assoc. Representative/Sergeant Division: Uniform Services

Article(s) Allegedly Violated

Articles: 8, 9, 10, 24, 27, 30, 34, 37, 40 and all others as may be related

Nature of Grievance: Punitive measure constituting discipline without cause and without reason or reasons before the effective date of the action in violation of the Collective Bargaining Agreement.

Remedy requested: Restoration to full and regular duties, and restoration of all lost wages and benefits including, but not limited to, regular shift hours/pay, Administrative Sergeant pay, Watch Commander pay, all regularly worked overtime pay, and restoration of his take-home vehicle.

Submitted by: _____ Date: May 13, 2015
Signature

Step 1: I, Gary Lippman, General Counsel, Palm Beach County PBA on behalf of Leif Broberg
Grievant

presented this grievance to

Chief Jeffrey Katz on May 13, 2015 at _____ (AM / PM).
Chief of Police

Disposition by Chief of Police: _____

Step 2:
Received by: _____ Date: _____ at _____ (AM / PM).
City Manager

Disposition by City Manager: _____

Step 3: Referral to Arbitration

by: _____ Date: _____
Gary Lippman, General Counsel, PBA

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PALM BEACH COUNTY
POLICE BENEVOLENT ASSOCIATION, INC.
2101 N. Florida Mango Road • West Palm Beach, FL 33409-6488 • (561) 689-3745 • (561) 687-0154 Fax
www.pbcpba.org

Executive Board

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PBSO
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WPBPD
Treasurer

Kevin Igo
PBSO
Secretary

Greg Allen
Palm Beach Gardens PD
Sgt.-at-Arms

May 13, 2015

Sent by Email: KatzJ@bbfl.us
Regular U.S. Mail

Jeffrey Katz
Chief of Police
City of Boynton Beach
100 E. Boynton Beach Blvd.
Boynton Beach, FL 33425

Re: Sgt. Leif Broberg
Grievance: Punitive measure constituting discipline without cause and without reason or reasons before the effective date of the action in violation of the Collective Bargaining Agreement.

Dear Chief Katz:

Accompanying this correspondence you will find a duly executed written Grievance with regard to the above referenced matter.

Please accept and process this Grievance at Step 1 in accordance with Article 32, Grievance and Arbitration Procedures, of the Collective Bargaining Agreement between the City of Boynton Beach and the Palm Beach County PBA. Should you have any questions about this matter, or wish to discuss it, please do not hesitate to call me.

Thank you for your attention to this matter and your anticipated courtesy and cooperation.

Respectfully,

Gary Lippman
General Counsel

GL/adl
Enclosure
ECopy: John Kazanjian, President
PBA Member

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Palm Beach County Police Benevolent Association

Written Grievance Form

Palm Beach County PBA on behalf of
Grievant: Sgt. Leif Brobero Date: May 13, 2015

Employer: Boynton Beach PD Employment Date: n/a

Job Title: Assoc. Representative/Sergeant Division: Uniform Services

Article(s) Allegedly Violated

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Disposition by Chief of Police: _____

Step 2:
Received by: _____ Date: _____ at _____ (AM / PM).
City Manager

Disposition by City Manager: _____

Step 3: Referral to Arbitration

by: _____ Date: _____
Gary Lippman, General Counsel, PBA

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The City of Boynton Beach

HUMAN RESOURCES AND RISK MANAGEMENT
100 E. Boynton Beach Boulevard
P.O. Box 310
Boynton Beach, Florida 33425-0310
Office: (561) 742-6275
FAX: (561) 742-6274
www.boynton-beach.org
Twitter: @BoyntonBeachHR

August 12, 2015

Sent via email to: brobergl@bbfl.us

Sergeant Leif Broberg
c/o City of Boynton Beach Police Department
100 E. Boynton Beach Blvd.
Boynton Beach, FL 33435

RE: Conclusion of Investigation

Dear Sergeant Broberg:

This notice serves to inform you that the administrative investigation stemming from your letter sent to Lori LaVerriere, City Manager, dated May 5, 2015, has been concluded.

The investigation found no evidence to support your assertion that you are a whistle blower nor was there sufficient evidence of harassment, hostile work environment, or retaliation by then Major Suzanne Crawford. This investigation is now closed.

I reviewed your leave status with the City Manager, and she has authorized me to advise you that your paid administrative leave will end on Sunday, August 16, 2015, after which you are expected to return to work. Please contact Major Tom Wallace at (561) 742-6115 to coordinate your return to work effective the week of August 16, 2015. Any reasonable request you have for re-assignment will be considered.

If you need additional time to prepare for your return to work, you may use any of your accrued leave. If you need additional time when your bank of accrued time is exhausted, you may request an unpaid leave of absence. The maximum leave without pay, per the Personnel Policy Manual, is six months.

Once you have returned to work, I will review any additional claim you wish to make for lost wages or benefits between the date your leave started and August 16th. I will initiate my review once you submit a written request detailing your claim.

Respectfully,

Julie Oldbury
Director of Human Resources and Risk Management

CC: Gary Lippman, PBA General Counsel
Jim Cherof, City Attorney
Lori LaVerriere, City Manager

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EXHIB

BOYNTON BEACH POLICE DEPARTMENT
100 East Boynton Beach Boulevard Boynton Beach Florida 33425-0310
Phone (561) 742-6100 Fax (561) 742-6185

Jeffrey S. Katz
Chief of Police

Kelly Harris
Assistant Chief
Support Services

Stewart Steele
Assistant Chief
Administrative Services

Suzanne Crawford
Assistant Chief
Uniform Services

August 14, 2015

Sgt. Broberg,

Please be advised that although Human Resources has concluded their investigation into your complaint of May 5, 2015, and directed you to return to work next week, a review of the information collected during their investigation has led to a well-founded concern that you failed to perform the duties of a police sergeant in violation of Index Code 302, Rule 4.7, (Failure to Perform Required Duties or Unsatisfactory Performance), and / or Rule 4.9, (Neglect of Duty) insofar as you have claimed – on several occasions that:

> In or about January, 2015 you were advised by a former police officer for whom you were a supervisor of certain conduct relating to a photo line-up prepared part and parcel with a criminal investigation the police officer and a certain detective / investigator were conducting. To the extent this information involved conduct you reasonably believed to be in violation of law and or / rules, and constituted malfeasance, misfeasance and a gross neglect of duty by the detective / investigator involved in the case, you dutifully disclosed the information to a Federal Bureau of Investigation agent.

As a police supervisor, you have a duty to act *promptly* once such information comes to your attention. The human resources inquiry revealed that, at best, you provided information about this misconduct in late March 2015, presumably all the while the 'offending' officer remained entrusted with the full faith of this agency and authority of his office.

Moreover, the March 2015 date is in question based upon other interviews / evidence collected during the human resources inquiry. There appears to be a possibility that you reached out to the FBI or the US Attorney's Office on or about May 5, 2015 the date of your initial complaint on (then) Major S. Crawford to City Manager LaVerriere – and initiated a meeting with them on May 7, 2015 in order to provide the FBI with information relating to S. Crawford's husband, who as you know, is assigned to the Palm Beach County State Attorney's Office in their Public Corruption Unit. If such a concern is sustained, it could reasonably constitute a violation of Index Code 302, Rule 1.4 (Conduct Unbecoming), Rule 2.2 (Confidentially of Intelligence Information and Department

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EXHIBIT "F"

Affairs), Rule 2.5 (Insubordination / Intentional Undermining), and / or Rule 4.11 (Untruthful Statements).

Due to the nature of these concerns, and the role you are expected to fulfill as a police supervisor with the department, I have elected to keep you on administrative leave status (with pay) until such time as we are able to complete a full and impartial administrative investigation into these potential violations of departmental policy. I hope you will understand that maintenance of your status quo assignment is intended to insulate you and the City from allegations pertaining to vicarious liability including negligent entrustment, negligent supervision…etc while these questions remain unanswered.

An internal affairs investigator will be in touch with you in the coming weeks to arrange for an interview. In the meantime, I encourage you to document and or preserve – to the best of your abilities – any and all physical evidence or verbal accounts of information or evidence relevant to this investigation.

Finally, you are hereby ordered to provide a full, written account of any or all administrative or criminal wrong-doing you reasonably believe any active member of our department has engaged in which could jeopardize the Civil Rights of any person in any previous or future criminal investigation. Nothing about this order should constitute a waiver of your rights under the Police Officer's Bill of Rights codified in §112 F.S.S. I expect your written account within 72-hours of receipt of this letter.

Effective this date, your police powers are suspended. You are not to take official law enforcement action during this assignment nor are you authorized to use any departmental equipment, carry a departmental firearm or maintain / display any your credentials under the authority of this agency. This is not a disciplinary action.

Respectfully,

Jeffrey S. Katz,
Chief of Police

cc: Lori LaVerriere, City Manager
Jim Cherof, City Attorney
Julie Oldbury, Human Resources Director
Gary Lippman, PBA General Counsel
Angela Twomey, PBA Legal Assistant

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CITY OF BOYNTON BEACH, FLORIDA
INTER-OFFICE MEMORANDUM

TO:	Lori LaVerriere, City Manager	DATE:	August 18, 2015	FILE:
FROM:	Jeffrey S. Katz, Chief of Police	SUBJECT:	Sergeant Leif Broberg - Recommendation for Termination of Employment	
		REFERENCES:		
		ENCLOSURES:	A - 08.14.15 Order to Sgt. Broberg (Letter) B- Outlook Delivery Confirmation Record C - Outlook Read Confirmation Record D - Sgt. Broberg Request for Extension E - Denial of Request F - Training Bulletin - Supervisory Standards G - Signature Record for Directives & TBs H - Broberg Disciplinary Record I - Broberg Training Record	

On May 5, 2015, Sgt. Leif Broberg submitted a letter to your attention which claimed that in January 2015, he received information from a former police officer, whom he once supervised, relating to alleged misconduct by one or more members of the Boynton Beach Police Department. The memo was unspecific as to (a) the identity of the source of information, (b) the principle(s) engaged in the alleged misconduct, and (c) the nature of this misconduct. Notwithstanding the lack of specificity, Sgt. Broberg contends that he, "reasonably believes" this conduct, "...to be in violation of law and / or rules, and constituted malfeasance, misfeasance and a gross neglect of duty by the detective / investigator involved in the case." Sgt. Broberg goes on to share that he "...dutifully disclosed the information to a Federal Bureau of Investigation agent" and claims to have been "accosted by the spouse of the detective / investigator" presumably during a meeting on May 4, 2015. The letter claims Sgt. Broberg believes he is "...being retaliated against specifically because of the information he disclosed to the FBI about her husband's conduct, among other disclosures he made about another case currently subject of investigation."

The letter prompted an inquiry by Human Resources Director Julie Oldbury. While the results of this inquiry did not support Sgt. Broberg's claim of retaliation, I reviewed the findings, supporting evidence, and reviewed the interviews from this investigation on August 14, 2015. My review of this information prompted two noteworthy observations:

- Sgt. Broberg purports to have received information about wrong-doing on behalf of one or more members of our department in January of 2015; however, in his interview with Ms. Oldbury, Broberg claims to have provided this information to the FBI on March 31, 2015. While he describes his disclosure as a "dutiful" act, the time delay in such a disclosure is concerning.

- Ms. Oldbury learned from FBI Task Force Officer Larry Colagiovanni that Sgt. Broberg did not provide information to the FBI on March 31, 2015, but rather was invited to speak with the FBI on April 9, 2015 in order to provide testimony relating to the Byron Harris investigation. While Colagiovanni would (appropriately) not disclose any specifics of the April 2015 meeting, he was able to confirm that only information pertaining to the Harris investigation was disclosed by Sgt. Broberg during this meeting. Colagiovanni was also able to confirm that on May 7, 2015, Sgt. Broberg initiated a meeting with the FBI, whereupon, according to Ms. Oldbury's investigative notes, Sgt. Broberg engaged in "a little more discussion on the FBI's active case and discussion of matters unrelated to the FBI's active case."

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As an aside, prior to his April 2015 interview, I had occasion to speak with Supervisory Special Agent Julio Quinones regarding an investigation the FBI is conducting into the arrest of Byron Harris. I shared with Quinones that Broberg was not working on the night of this arrest and I inquired as to why he would be called in – at the request of the FBI – to provide testimony on this case. Quinones advised that Sgt. Broberg was one of the supervisors in charge of the shift which experienced a "blue flu" during protracted contract negotiations, and the FBI had an interest in exploring whether or not Sgt. Broberg was running a "rouge shift" since this is the shift which was working during the arrest of Mr. Harris and his two companions.

Department payroll records reflect overtime requests entered by Sgt. Broberg for the following dates:

- March 11, meeting with attorney over FBI investigation (3 hours)
- March 31, meeting with attorney over FBI investigation (4 hours)
- April 9, FBI investigation (3 hours)
- May 7, FBI investigation (3 hours)

These payroll requests support the preliminary information located within Ms. Oldbury's case file and has lead me to develop a well-founded concern that:

- Following a meeting which took place on May 4, 2015, Sgt. Broberg filed a "whistle-blower" complaint against his immediate supervisor (then) Major Suzanne Crawford on May 5, 2015 by way of a letter to you, the City Manager. Contrary to his initial claim, it does not appear that Sgt. Broberg proactively initiated contact with the FBI until May 7, 2015. It also appears that the nature of his conversation with the FBI prior to this contentious meeting was (a) prompted by the FBI, and (b) unrelated to Major Crawford's husband (Chris) – hardly consistent with the "dutiful" conduct he describes in his May 5th letter to you. If founded, such behavior could constitute a violation of departmental policy (Index Code 302, Rule 1.4 [Conduct Unbecoming], Rule 2.2, [Confidentiality of Intelligence and Departmental Affairs], Rule 2.4, [Integrity of the Reporting System], Rule 2.5, [Insubordination / Intentional Undermining], Rule 4.1, [Abuse of Process], Rule 4.9, [Neglect of Duty] and / or, Rule 4.11, [Untruthful Statements].

Moreover, Sgt. Broberg purports to have information directly relating to misconduct on behalf of one or more members of the Boynton Beach Police Department; conduct which necessitated reporting to the FBI and which, as previously mentioned, is described as a, "...violation of law and / or rules, and constituted malfeasance, misfeasance and a gross neglect of duty."

As the chief law enforcement officer within the City of Boynton Beach, I am duty-bound to compel an employee under my charge to provide information relating to personnel misconduct – especially when such misconduct would potentially necessitate reporting to the FBI. As such, in written correspondence sent to Sgt. Broberg on August 14, 2015, I ordered him to: "...provide a full, written account of any or all administrative or criminal wrong-doing you reasonably believe any active members of our department has engaged in which could jeopardize the Civil Rights of any person in any previous or future criminal investigation." Mindful of Sgt. Broberg's rights under Chapter 112 – also known as the Law Enforcement Officer's Bill of Rights (LEOBR) – I assured him that, "Nothing about this order should constitute a waiver of your rights." I provided Sgt. Broberg with a specific deadline (within 72 hours of receipt of the letter). The letter (attached – Exhibit A) was emailed and the delivery (attached – Exhibit B) and read receipt option were selected in the email. Sgt. Broberg opened the email containing the order on August 15, 2015, at 9:58 am (attached – Exhibit C).

While the read receipt only verifies he opened the email, I have confirmation that he opened, read, and understood the order by virtue of an email he sent me on August 15, 2015, at 4:19 PM (attached – Exhibit D), in which he requests, "additional time in order to prepare his documentation, meet with counsel who is

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currently out of town until Tue. August 18, 2015." In this same email Sgt. Broberg advises me that, "This is no way an attempt to be insubordinate." Nevertheless, I responded on that same date at 8:46 PM (attached – Exhibit E) and provided confirmation of my order, reassurance of my intent, and additional explanation that the nature of the disclosure I am ordering him to make is not, in any way, inconsistent with his duties as a police supervisor. In fact, one of the primary responsibilities of his role as a police supervisor is the maintenance of morale and discipline of subordinate personnel (attached – Training Bulletin 14-8 – Exhibit F, Signature confirmation for receipt of Training Bulletin – Exhibit G).

On August 17, 2015, at 5:14 PM, I received an email from Courtney Lawrenson on behalf of Ralph "Rick" King, who drafted correspondence on behalf of PBA General Counsel Gary Lippmann, who is representing Sergeant Broberg "...in the matter concerning his statement to the FBI and this subsequent placement on administrative leave." King advised that, "...no lawyer from this office is able to meet with Sergeant Broberg to discuss any additional information that would be in the memorandum (if any at all) and the possible ramifications of submitting such a memorandum." King went on to advise, "In lieu of submitting a memorandum Sgt. Broberg along with his chosen counsel would appear at a scheduled time to provide a statement and answer any questions the agency may have subject to the Police Officer's Bill of Rights" (attached – Exhibit H).

It is my position, and the position of City Attorney Jim Cherof, that my order was lawful and appropriate and that the actions I am asking of Sgt. Broberg are well within the City's expectations for someone bolding the position of a first-line supervisor. The PBA's counteroffer, does not waive Sgt. Broberg's obligation to comport with my order as stipulated. As of 9:58 AM on August 18, 2015, Sgt. Broberg failed to comply with this lawful administrative order. As a result, he has potentially exposed members of the public to the authority of one or more sworn officers who have – according to Sgt. Broberg – engaged in behavior worthy of reporting to the Federal Bureau of Investigation, threatening enough to merit his concerns of employer reprisal, yet not important enough to risk the possible threat of disciplinary action in the face of certain disciplinary action for not complying with an explicit, clear, and lawful order.

Sgt. Broberg's unwillingness to furnish me with such information leaves me no choice but to recommend that his employment with the City of Boynton Beach be terminated. Following is the *Just Cause* justification:

1. **Did the city give to the employee forewarning of the possible disciplinary consequences of the employee's conduct?**

Proper conduct of officers is covered in the department's rules and regulations (BBPD Index Code 302). This directive was originally issued in 2000 and updated several times since. Every member of the force is provided with a copy of all directives upon hiring. Updates and new directives are distributed via the DMS System (web-based document storage, retrieval and search engine) which is accessible via the department's computer network and any computer connected to the World Wide Web. Additionally, each officer undergoes instruction in all departmental directives prior to entering into the field training program. The department maintains documentation which clearly establishes that Sgt. Broberg: (a) has received our rules and regulations (codified in Index Code 302), (b) has signed for receipt of this directive, and (c) bas previously been disciplined on four occasions regarding Neglect of Duty – among other administrative violations. He has also received advanced training on supervisory skills and obligations. This training is documented in the attached support material (attached - I, disciplinary record, & J, training documentation).

2. **Was the city's rule or regulation reasonably related to the orderly, efficient and safe operation of the city's business and the performance that the city might properly expect of the employee?**

Proper and professional conduct on the part of our officers is important in the maintenance of a disciplined police force and in instilling a sense of confidence among the citizens we serve. As previously mentioned, the conclusion of the human resources inquiry has left me with a well-founded concern that Sgt. Broberg *may* be

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in violation of the following departmental policies: Index Code 302, Rule 1.4 (Conduct Unbecoming), Rule 2.2, (Confidentiality of Intelligence and Departmental Affairs), Rule 2.4, (Integrity of the Reporting System), Rule 2.5, (Insubordination / Intentional Undermining), Rule 4.1, (Abuse of Process), Rule 4.9, (Neglect of Duty) and / or, Rule 4.11, (Untruthful Statements). At minimum, Sgt. Broberg's failure to comply with my order of August 15, 2015, constitutes a violations of: Index Code 302, Rule 1.3 (Compliance with Orders), Rule 2.5, (Insubordination / Intentional Undermining), Rule 3.3, (Participation in Administrative Investigations), and Rule 4.9 (Neglect of Duty). Each one of these rules are directly related to the orderly, efficient and safe operation of the city's business in that they simply require members to obey the law, behave in an honest manner, and complete their required duties. A failure in any one of these areas could easily affect the order, efficiency and safe operation of the city's business.

3. **Did the city prior to administering discipline to an employee make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?**

Documentation has been attached to this memorandum outlining a clear and direct order to Sgt. Broberg. Expectations were outlined and any concerns he may have relating to self-incrimination as it relates to LEOBR were explicitly addressed in the initial order. Sgt. Broberg failed to meet the deadline ordered and explained.

4. **Was the city's investigation conducted fairly and objectively?**

By every objective measure, Sgt. Broberg violated agency policy and, perhaps most importantly, either (a) lied about having information about officer misconduct, or (b) placed the concern for his own welfare before that of the public he is sworn to protect. In either instance, his conduct is inconsistent with the mission of our organization.

5. **During the investigation, did the city "judge" obtain substantial and compelling evidence or proof that the employee was guilty as charged?**

Sgt. Broberg will be offered a pre-determination conference with the city manager prior to her taking action upon my recommendation for disciplinary action. During that pre-determination conference the officer will be afforded the opportunity to present testimony regarding the investigation and findings with the City Manager.

6. **Has the city applied its rules, orders and penalties evenhandedly and without discrimination to all employees?**

Every sworn officer is subject to the rules and regulations as they apply to officer conduct. All directives are reviewed each year at both the division and staff level to ensure compliance with established statutes and ordinances as well as current police practices. Sgt. Broberg's conduct in this case is unique insofar as we have not experienced a case in which a lawful order to report misconduct has been issued to a police supervisor, who disregarded such an order through the assertion of LEOBR protections which do not exist and 'protection' of legal counsel to which he is not entitled.

7. **Was the degree of discipline administered by the city in a particular case reasonably related to the seriousness of the offense and in consideration of the employee's service history with the city?**

Of paramount importance to this police agency is that the citizens served must have confidence in their police and that they are enforcing the laws in a fair, compassionate and nondiscriminatory manner. The primary principles of the department's mission – or its reason for existence – are (a) effective, efficient, and impartial enforcement of the law, (b) selfless stewards of the public's trust, (c) cultivators of problem solving partnerships, and (d) a commitment to the tenets of civility, accountability, and pride.

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Sgt. Broberg's refusal to provide any specific information regarding the alleged misdeeds of our personnel threatens the public confidence and violates every principle of our agency's mission.

As Chief of Police, I am recommending that Sgt. Broberg's employment with the City of Boynton Beach be terminated because his pattern of conduct demonstrates (a) an indifference to the rules and regulations of the Boynton Beach Police Department, (b) a disregard for the sanctity of the public office he holds, and (c) a disciplinary history which brings into question his suitability for retention as a law enforcement officer.

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A

BOYNTON BEACH POLICE DEPARTMENT
100 East Boynton Beach Boulevard Boynton Beach Florida 33425-0310
Phone (561) 742-6100 Fax (561) 742-6196

Jeffrey S. Katz
Chief of Police

Kelly Harris
Assistant Chief
Support Services

Stewart Steele
Assistant Chief
Administrative Services

Suzanne Crawford
Assistant Chief
Uniform Services

August 14, 2015

Sgt. Broberg,

Please be advised that although Human Resources has concluded their investigation into your complaint of May 5, 2015, and directed you to return to work next week, a review of the information collected during their investigation has led to a well-founded concern that you failed to perform the duties of a police sergeant in violation of Index Code 302, Rule 4.7, (Failure to Perform Required Duties or Unsatisfactory Performance), and / or Rule 4.9, (Neglect of Duty) insofar as you have claimed – on several occasions that:

> In or about January, 2015 you were advised by a former police officer for whom you were a supervisor of certain conduct relating to a photo line-up prepared part and parcel with a criminal investigation the police officer and a certain detective / investigator were conducting. To the extent this information involved conduct you reasonably believed to be in violation of law and or / rules, and constituted malfeasance, misfeasance and a gross neglect of duty by the detective / investigator involved in the case, you dutifully disclosed the information to a Federal Bureau of Investigation agent.

As a police supervisor, you have a duty to act *promptly* once such information comes to your attention. The human resources inquiry revealed that, at best, you provided information about this misconduct in late March 2015, presumably all the while the 'offending' officer remained entrusted with the full faith of this agency and authority of his office.

Moreover, the March 2015 date is in question based upon other interviews / evidence collected during the human resources inquiry. There appears to be a possibility that you reached out to the FBI or the US Attorney's Office on or about May 5, 2015 – the date of your initial complaint on (then) Major S. Crawford to City Manager LaVerriere – and initiated a meeting with them on May 7, 2015 in order to provide the FBI with information relating to S. Crawford's husband, who as you know, is assigned to the Palm Beach County State Attorney's Office in their Public Corruption Unit. If such a concern is sustained, it could reasonably constitute a violation of Index Code 302, Rule 1.4 (Conduct Unbecoming), Rule 2.2 (Confidentially of Intelligence Information and Department

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Affairs), Rule 2.5 (Insubordination / Intentional Undermining), and / or Rule 4.11 (Untruthful Statements).

Due to the nature of these concerns, and the role you are expected to fulfill as a police supervisor with the department, I have elected to keep you on administrative leave status (with pay) until such time as we are able to complete a full and impartial administrative investigation into these potential violations of departmental policy. I hope you will understand that maintenance of your status quo assignment is intended to insulate you and the City from allegations pertaining to vicarious liability including negligent entrustment, negligent supervision…etc while these questions remain unanswered.

An internal affairs inveatigator will be in touch with you in the coming weeks to arrange for an interview. In the meantime, I encourage you to document and or preserve – to the best of your abilities – any and all physical evidence or verbal accounts of information or evidence relevant to this investigation.

Finally, you are hereby ordered to provide a full, written account of any or all administrative or criminal wrong-doing you reasonably believe any active member of our department has engaged in which could jeopardize the Civil Rights of any person in any previous or future criminal investigation. Nothing about this order should constitute a waiver of your rights under the Police Officer's Bill of Rights codified in §112 F.S.S. I expect your written account within 72-hours of receipt of this letter.

Effective this date, your police powers are suspended. You are not to take official law enforcement action during this assignment nor are you authorized to use any departmental equipment, carry a departmental firearm or maintain / display any your credentials under the authority of this agency. This is not a disciplinary action.

Respectfully,

Jeffrey S. Katz,
Chief of Police

cc: Lori LaVerriere, City Manager
Jim Cherof, City Attorney
Julie Oldbury, Human Resources Director
Gary Lippman, PBA General Counsel
Angela Twomey, PBA Legal Assistant

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B

Katz, Jeffrey

From:	Microsoft Outlook
To:	Cherof, James; Broberg, Leif
Sent:	Friday, August 14, 2015 6:10 PM
Subject:	Delivered: Sgt. Leif Broberg - Assignment

Your message has been delivered to the following recipients:

Cherof, James (CherofJ@bbfl.us)

Broberg, Leif (BrobergL@bbfl.us)

Subject: Sgt. Leif Broberg - Assignment

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C

Katz, Jeffrey

From:	Broberg, Leif
To:	Katz, Jeffrey
Sent:	Saturday, August 15, 2015 9:58 AM
Subject:	Read: Sgt. Leif Broberg - Assignment

Your message

To: Broberg, Leif
Subject: Sgt. Leif Broberg - Assignment
Sent: Friday, August 14, 2015 6:10:22 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Saturday, August 15, 2015 9:57:35 AM (UTC-05:00) Eastern Time (US & Canada).

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D

Katz, Jeffrey

From:	Broberg, Leif
Sent:	Saturday, August 15, 2015 4:19 PM
To:	Katz, Jeffrey; 'angela@pbcpba.org'; Gary Lippman
Cc:	LaVerriere, Lori; Oldbury, Julie; Cherof, James; James A. Cherof
Subject:	RE: Sgt. Leif Broberg - Assignment

Chief Katz,

I am requesting additional time in order to prepare my documentation, meet with counsel who is currently out of town until Tue. August 18,2015. This is no way an attempt to be insubordinate.

Respectfully 1st Sergeant Leif E. Broberg

From: Katz, Jeffrey
Sent: Friday, August 14, 2015 6:10 PM
To: Broberg, Leif; 'angela@pbcpba.org'; Gary Lippman
Cc: LaVerriere, Lori; Oldbury, Julie; Cherof, James; James A. Cherof; Police Senior Staff Officers; Police Captains
Subject: Sgt. Leif Broberg - Assignment

Please see attached.

Respectfully,

Jeffrey S. Katz | Chief of Police | Administrative Services | Boynton Beach Police Department
561.742.6104 | 561.742.6197 | katzj@bbfl.us | Follow Us On: Web; Twitter; Facebook; YouTube

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E

Katz, Jeffrey

From:	Katz, Jeffrey
Sent:	Saturday, August 15, 2015 8:47 PM
To:	Broberg, Leif
Cc:	angela@pbcpba.org; Gary Lippman; LaVerriere, Lori; Oldbury, Julie; Cherof, James; James A. Cherof
Subject:	Re: Sgt. Leif Broberg - Assignment

Sgt. Broberg,

Upon review of the evidence collected and statements recorded during the human resources investigation, I learned that you purport to have information directly and specifically related to misconduct on the part of one or more members of the Boynton Beach Police Department. As the head of this organization, I am duty-bound to *promptly* ascertain the nature of this misconduct so that I can investigate, intervene, and / or take reasonable action to ensure that the rights of those we are sworn to protect are not violated. As a police supervisor, you are similarly duty-bound to ensure that such misconduct is not left unchecked, that the impacts of violations of law - be it criminal or administrative - not be allowed to perpetuate without redress, and that personnel entrusted with the authority to enforce the law are not afforded additional opportunities to possibly violate the rights of other citizens.

No part of the order issued to you places you in a position whereby you are asked to incriminate yourself in any wrongdoing. I am simply asking that you fulfill your responsibility to the organization and the community you are sworn to protect, by providing us with any and all information necessary to ensure that our: (a) personnel are accountable for their conduct, (b) policies, procedures, and training standards meet the needs of our personnel and the community we serve, and (c) administration is not insulated from information which we should know - by virtue of your supervisory role within the organization - which could jeopardize the rights or safety of any member of the public we serve...or of any member of our department.

Since I am not asking that you implicate yourself in wrong-doing through the scope of this request, I do not believe consultation with legal counsel is necessary under the LEOBR. Moreover, given the rationale articulated to you as to why this information is of the utmost importance, I trust you will enthusiastically comply with the original 72-hour deadline issued which, based upon the read receipt from my initial email, is now set for 0958 hrs. on Tuesday, August 18, 2015. I anticipate and look forward to your complete cooperation. If you have any additional questions, please do not hesitate to ask.

Respectfully,

Chief Katz

On Aug 15, 2015, at 4:18 PM, Broberg, Leif <BrobergL@bbfl.us> wrote:

> Chief Katz,
>
> I am requesting additional time in order to prepare my documentation, meet with counsel who is currently out of town until Tue. August 18,2015. This is no way an attempt to be insubordinate.
>
> Respectfully 1st Sergeant Leif E. Broberg

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Boynton Beach Police Department

Supervisory Standards for Rewards and Sanctions

Training Bulletin:	TB 14-08
Scope:	All Department Members
Effective Date:	January 1, 2014
Proponent Unit:	Administrative Services Division
Rescinds:	New Training Bulletin
Jeffrey S. Katz Chief of Police	The original signed copy of this directive is on file in the Professional Standards Office

Related References/Accreditation Standards: CFA: 11.02, 11.03, 11.04, 11.05, 11.06

I. PURPOSE

The purpose of this training bulletin is to establish guidelines to govern the supervisory standards for the reward and sanction of members, and to define procedures for the implementation and use of these standards.

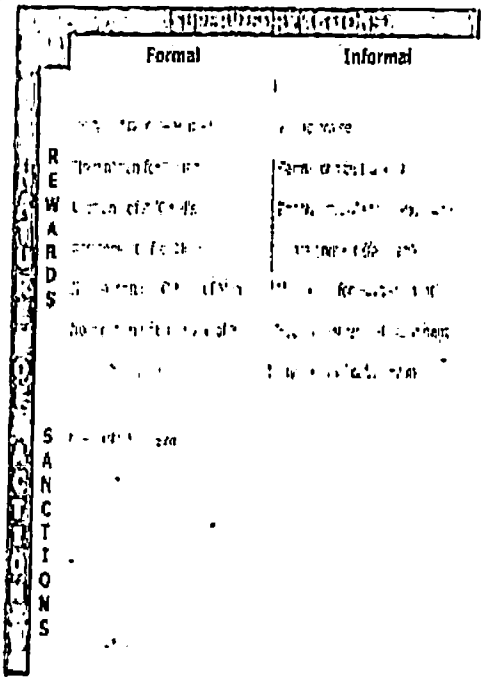
II. DISCUSSION

Disciplinary action can be formal and informal; it can also be both positive and negative. All disciplinary action – including the rationale not to take disciplinary action – should be documented by the supervisor and appropriately routed through the chain of command or retained. The department encourages supervisory personnel to use the department's disciplinary process as a catalyst for establishing high standards, improving performance, and positively affecting the collective morale of our membership.

Commendatory action can also be formal and informal; All commendatory action or reward – including the rationale – should be documented by the supervisor and routed or retained as appropriate. The department encourages supervisory personnel to use the department's commendatory process as a catalyst for maintaining established high standards, exceeding performance expectations and positively affecting the collective morale of our membership.

Supervisors should be cognizant of – including the totality of circumstances – any event or situation where discipline or commendatory action may be applied. The supervisor shall critically evaluate each situation independently and dispassionately.

Examples of Rewards and Sanctions



Discipline should only be used to ensure that employees perform in a way that reflects the type of work product a supervisor can endorse as her or his own. Subordinate performance is a byproduct

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of supervisory influence and supervisors who repeatedly fail to use disciplinary tools or commendatory rewards to achieve positive results will be held accountable for performance shortcomings on behalf of subordinate personnel.

A. **Examples: see table**

III. ACKNOWLEDGEMENTS

The department acknowledges the existence of several collective bargaining agreements (CBA) in effect between the City and numerous unions. This bulletin should be viewed as complimentary to disciplinary stipulations within existing CBAs. In the event of a dispute, the member's most recently ratified CBA shall be followed. Members shall always be afforded their due process in accordance with Florida State Statute 112 commonly referred to as: *Police Officer's Bill of Rights.*

IV. PROCEDURES – (CFA 11.02)

A. Formal rewards and routing / retention guidelines options

1. **Letter of Commendation:** While most commonly drafted by one's immediate supervisor, any member of the department may draft a complimentary letter that highlights a member's performance or conduct. Commendations will be routed through the author's chain of command up to the member's division commander. Commendations will be scanned into the applicable member's personnel file.

2. **Awards Nomination:** Supervisors and members of the department's command staff may submit nominations for agency award through their chain of command. The applicable division commander will route the nomination to the Honor Guard Commander, who will be responsible for ensuring the nomination is voted on by a quorum of the Department's Honor Guard within 30 days of the nomination's submission. Once conferred, departmental medals – and an accompanying certificate – will be provided to the awardee's commanding officer by the Department's PIO. Departmental medals will typically be awarded in briefing sessions or roll call in front of the awardee's peers. Note: The "Chief's Achievement Medal" can only be awarded by the Chief of Police.

3. **Officer of the Month:** Supervisors and members of the department's command staff may submit nominations for Officer of the Month.

4. **Officer of the Year:** During the month of December, all members of the department are encouraged to nominate personnel for one of the following distinctions:

   - **Civilian of the Year** (Any non-sworn member of the department)
   - **Investigator of the Year** (Any member of the department assigned primarily to either criminal or administrative investigative functions)
   - **Officer of the Year** (Any sworn member of the department)
   - **Supervisor of the Year** (Any member of the department who holds the rank of Sergeant)

   Nominations should be submitted via departmental memo to the Chief of Police through the nominating member's chain of command. Nominations will be evaluated by the department's command staff and selections will be made within the first two weeks of January.

5. **Chief's Day:** A member of the department who holds a command level rank (lieutenant or higher) is permitted to grant a member of the department up to one day off with pay as a reward for performance that exceeds expectations or brings credit to the department and the law enforcement profession in general. Administration of a Chief's Day should be done sparingly and will be done via departmental memorandum and routed through the Chief's Office. All time off will be noted in the department's TeleStaff system and all memorandums will be archived by the Administrative Services Division Commander.

6 **Morale Day:** A member of the department who holds a supervisory level rank (sergeant or higher) is permitted to grant a member of the department a temporary reassignment for

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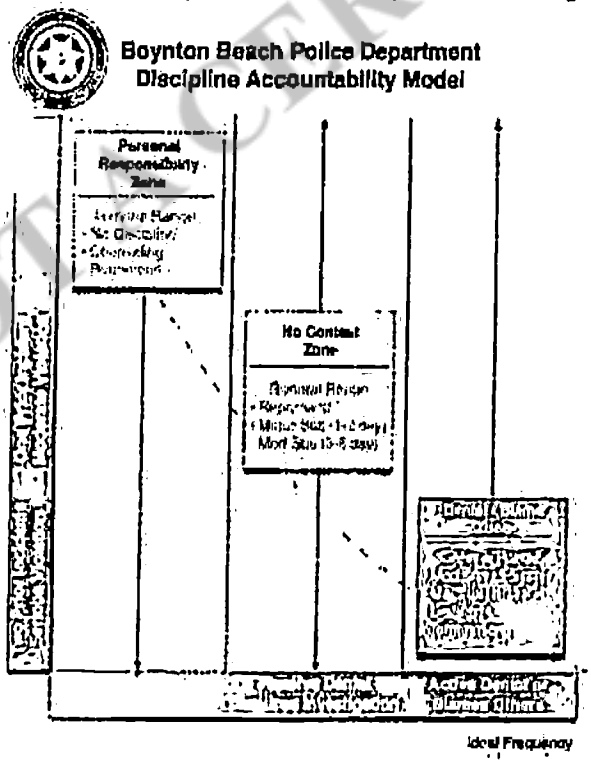
a period not to exceed 11.5 hours or one shift, whichever is greater. Morale Days are intended to afford high performing staff with the opportunity for professional enrichment through exposure to other assignments within the department. Command personnel over specialty assignments shall ensure that the member's exposure to risk is proportionate to their available training / equipment. Morale Day assignments shall not cause the department to incur any additional expense (e.g. overtime, comp time...etc.).

7. **Needs of the Department Day:** It is incumbent upon road patrol sergeants to access and evaluate members under their command each day at roll call. If a road patrol sergeant determines that the needs of the department would be best served by granting a member authorized leave that sergeant may do so if approved by their watch commander. This is not a reward or sanction. This shall not be used as a substitute for the appropriate administration of Index Code 302. The granting of this leave is specific to the needs of the department with the welfare of the officer considered. A watch commander who grants this leave shall make the appropriate entry into Telestaff. The Telesaff entry shall reference this training bulletin number and this section in the notes (ex: TB14-8 sec IV 7). The Uniformed Services Division Commander shall be notified in writing. Additionally, both the lieutenant and sergeant shall document the granting of the leave and justifications in a diary or shift personnel observation log.

B. DISCIPLINE ACCOUNTABILITY GUIDELINES (Discipline Accountability Model – DAM) – (CFA 11.02)

The ultimate goal of negative disciplinary action is behavioral modification and the enforcement of a standard of conduct. The department recognizes the diversity of our membership from the perspective of the many personality types, skill levels, interests, and motivations of our personnel. Moreover, we recognize the fluid nature of police work and the fact that many disciplinary evaluations take place 'after the fact,' often from the comfort of an office. These factors, among others, create challenges in the application of reasonably consistent discipline. Nevertheless, inconsistent negative discipline is immensely counterproductive and there are considerations that universally apply anytime a member violates agency policy. The DAM is designed to encourage personnel who make an honest mistake to come forward and report this error to her or his supervisor. In fact, this process rewards high-character behavior and makes it 'safe' to make honest mistakes.



1. Personal Responsibility Zone: Members who self-report a mistake that otherwise might go unnoticed – or who take ownership of a mistake that is not intended to have a negative outcome – can expect to receive very little, if any, negative formal discipline. The member will be rewarded for her or his honesty and the department benefits by having a more realistic sense as to where our personnel may benefit

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from additional training or resources. Supervisors shall consider if a violation/mistake is noticed and brought to the attention of the member and it is apparent that the member was oblivious to the violation (ex. Due to the fluidity of the scene or extraordinary effort to bring a subject under control), the member immediately recognizes the violation and accepts personal responsibility. This shall be considered under the personal responsibility zone. Supervisors are the first line examples to their subordinates. Everyone is subject to make honest mistakes. Repeated violations of the same type will naturally lead to the imposition of progressive discipline. The ability to admit a mistake to and set the example of personal responsibility is a favorable leadership quality.

2. **No Contest Zone:** Members who are alleged to have committed a violation of department policy, and who chose to neither accept nor deny personal responsibility, fall into this area of the DAM. A determination of potential wrongdoing will be made based upon a preponderance of evidence standard and, if sustained, disciplinary considerations will begin at the letter of reprimand level of the discipline process.

3. **Denial / Blame Zone:** The department acknowledges that members will occasionally be maliciously accused of wrongdoing. Members can expect a thorough and lawful investigation and an objective evaluation of the evidence to establish a finding. It stands to reason that members who have not been similarly disciplined in the past or who have demonstrated a practice of taking responsibility for their conduct will enjoy an enhanced level of credibility while refuting allegations against them. Members who are unwilling to take responsibility for inappropriate or malevolent conduct are detrimental for two reasons. First, their conduct itself threatens the public trust and the reputations of every member of this department – as well as our profession as a whole. Additionally, from a behavioral modification standpoint, blaming others provides license to an individual to not learn from their mistake; this runs counter to the intent of our discipline process. As such, members who are found to have violated agency policy, and who: (a) actively protest ownership of their behavior, (b) blame others for their behavior, or (c) are indignant about their right to engage in misconduct (e.g. "You bet I _____, and I'd do it again too!") can expect discipline starting at 3-5 days of suspension without pay. A determination of potential wrongdoing will be made based upon an investigation where the preponderance of evidence standard is used.

   a. Ideally, personnel should take comfort in the fact that the department recognizes that every employee is going to make a certain number of honest mistakes and miscalculations during any given shift. The department has no agenda to fill personnel records with negative disciplinary actions; rather, the department believes that members who police themselves first benefit by learning from these mistakes. Such an acceptance of our own fallibility should also translate into an increased level of compassion for others who make, and own, their mistakes.

   b. If the mistake is a result of a misperception of a rule, standard or policy, it should be apparent to the reviewing supervisor and that supervisor should make the determination as the next course of action. That can include education, mandatory retraining or if a determination is made that adverse sanction is appropriate.

V. COMMAND & SUPERVISORY AUTHORITY GUIDELINES – (CFA 11.02, 11.03)

A. Commendatory action may be initiated by any member of the department. Recommendations for commendation will be forwarded to the Awards Committee by the Division Commander, via chain of command. The Awards Committee Chair shall ensure that award recommendations are voted on, and executed within 30 days of receipt. In most cases, departmental awards and medals will be presented to personnel by their commanding officer. Whenever possible, this presentation should take place in the presence of the member's peers. Citizen compliments shall be forwarded to the Chief's Administrative Assistant, who will (a) post the compliment on the message board outside of roll call, (b) generate a written response to the citizen on behalf of the Chief of Police, (c) scan a copy of the compliment in the member's personnel record, and (d) email the member and her or his chain of command and include a copy of the compliment.

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B. All formal negative disciplinary action, more severe than a written reprimand, must be approved by the Chief of Police.

C. Sergeants or civilian first-line supervisors may temporarily suspend a member – with pay – for conduct which requires further investigation or which the supervisors deems to be detrimental to the mission of the department or the safety of the public or our members. Such action shall be documented in writing and forwarded to the appropriate division commander by the end of that member's shift in accordance with Index Code 302.

D. Lieutenants who receive recommendations of disciplinary action shall make an independent assessment of the proposal and may choose to: (a) endorse the discipline, (b) not endorse the discipline, or (c) recommend the disciplinary action be modified. In all circumstances, disciplinary recommendations made by first-line supervisors shall be promptly forwarded up the chain of command to the applicable Division Commander. As command level officers, Lieutenants are responsible for the collective discipline, conduct, morale, and performance of those in their charge. Lieutenants should ensure their supervisory personnel are exercising their judgment and authority in a way that maximizes employee performance and minimizes deviance to agency standards.

E. Division Commanders may also initiate disciplinary action consistent with the authority granted to their subordinate officers. However, Division Commanders will have the primary responsibility of conducting a preliminary investigation of the incident giving rise to a disciplinary recommendation in order to ensure that punitive action is consistent with DAM guidelines and that the LEOBR rights of offending members have not been violated. Cases where there is a question as to whether the conduct cited actually violates departmental rules, regulations or procedures may be forwarded to the Chief of Police with a request that an internal investigation be conducted.

The Chief of Police exercises final disciplinary authority within the department, involving all members of the agency. Consistent with the Florida Police Officer's Bill of Rights, F.S. 112.531, the Chief of Police may recommend to the City Manager any form or combination of punishment options allowed by these guideline's.

Note: The Chief of Police does not have an affirmative duty to offer a 'name clearing' meeting with any member who faces negative disciplinary action; however, one may be requested within 10 days of member's receipt of any recommendation involving a sanction that includes suspension without pay from the member's regular duty assignment.

VI. APPEAL GUIDELINES

Imposition of disciplinary action and disciplinary appeals will be conducted in accordance with the member's applicable CBA. Pre-determination hearings and requests for arbitration will be coordinated through the Office of the City Manager and will be consistent with any CBA and the City's Personnel Policy Manual – (CFA 11.06).

When an investigation of misconduct results in an employee being dismissed, the following information will be provided to the affected member – (CFA 11.04):

1. Reason for dismissal
2. Effective date of dismissal
3. Report from Human Resources regarding the status of fringe and retirement benefits after dismissal.
4. Any supporting documentation relating to the dismissal (copies of investigation, evidence, etc.,)

VII. DISCIPLINARY RECORDS – (CFA 11.05)

Disciplinary records will be maintained in the affected member's personnel file for the duration of their employment with the City of Boynton Beach. Investigative files and supporting documentation will be retained by the City's Human Resources Department in accordance with Index Code 300 and in accordance with the General Records Schedule.

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Document: IC302 - Department Rules and Regulations
Revision Date: 8/1/2014
Signed File: IC2 rules and regs final 2014.pdf
Signed By: Leif Broberg (brobergl)
Signed On: 9/29/2014 18:29

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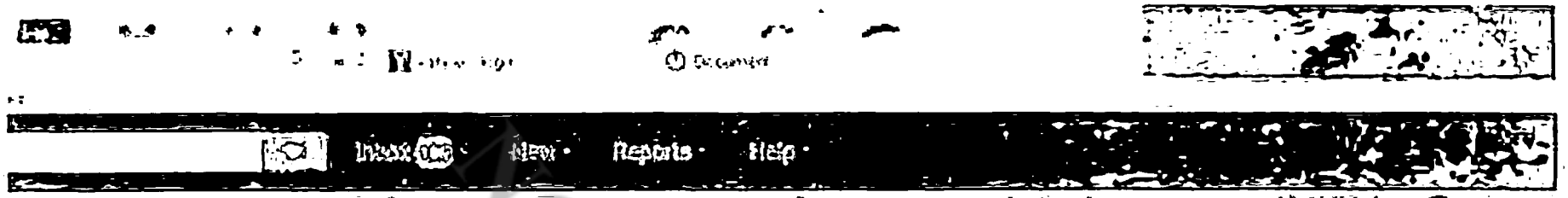

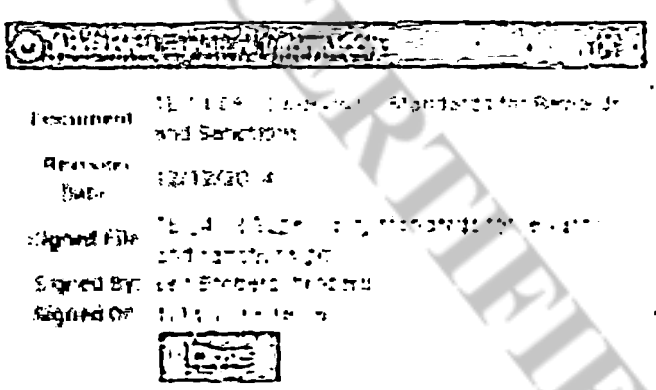

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PROFESSIONAL STANDARDS UNIT
INTERNAL AFFAIRS SECTION
DISCIPLINE RECORD

TO:	DATE:	01.08.2013	IA FILE:
	SUBJECT		
FROM:	OFFICER:	Broberg, Leif	

The following is a complete list of all disciplinary records found on the above listed officer.

Date of Discipline	Violation/Charge	Disposition
09-10-92	AWOL from Scheduled Training	Verbal
02-08-93	3.105.11 Vehicle Damage	Written
08-04-93	Omission of Information on Offense Report	Written
11-29-93	Scheduling more than 16 hours of work in 24 hour period	Verbal
02-07-94	3.105.11 Vehicle Damage	Written
12-15-94	PLI	Verbal
09-07-95	R/R 3.37.13 Tardiness	Verbal
10-12-95	R/R 3.27.5 Courtesy	Written
02-12-01	Procedural Directive 13-96, 1.3.1 Vehicle Accident/Damage	Written
09-24-02	Index Code 302 Rule 16 Neglect of Duty	Verbal
07-24-03	Index Code 302 Rule 16 Neglect of Duty	Written
12-04-03	Index Code 302 Rule 16 Neglect of Duty 03-43695	Written 11.5 hr Suspension
10/08/04	Index Code 1911	Verbal
02/15/05	Index Code 302, Rule 16 Neglect of Duty	Written Suspension (40 hrs)
08.19.12	Index Code 302, Rule 1.4 Conduct Unbecoming (I2011-038)	Written

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Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	FCIC Recertification	2	0	5/10/2015		BBPD
Broberg	Leif	Sovereign Citizen Extremism: A Primer	1	0	4/21/2015		BBPD
Broberg	Leif	1st Responder/CPR/AED Training	4	0	3/24/2015		BBPD
Broberg	Leif	Leadership Resp & Consequences: Roles for 2015	12	0	2/9/2015	2/10/2015	BBPD
Broberg	Leif	Pursuit Policy Refresher	2	0	11/19/2014		BBPD
Broberg	Leif	Police Driving	8	0	10/1/2014		PBSC
Broberg	Leif	Internal Affairs I.C. 300 Training	1	0	9/30/2014		BBPD
Broberg	Leif	Tactical Team Building	4	0	5/20/2014		BBPD
Broberg	Leif	Less Lethal (OC/Taser/Baton)	4	0	3/14/2014		BBPD
Broberg	Leif	Emotional Survival for LE Training	4	0	2/19/2014		BBPD
Broberg	Leif	Terrorist Screening Center Overview for Law Enf	1	0	10/1/2013		BBPD
Broberg	Leif	CJIS Certification/Recertification	2	0	5/30/2013		BBPD
Broberg	Leif	Building Searches/Discretionary Shooting	2	0	5/2/2013		BBPD
Broberg	Leif	Domestic Violence	2	0	5/12/2012		BBPD
Broberg	Leif	Elder Abuse	1	0	5/12/2012		BBPD
Broberg	Leif	Juvenile Sex Offender	2	0	5/12/2012		BBPD
Broberg	Leif	Discriminatory Profiling & Prof Traffic Stops	2	0	5/12/2012		BBPD
Broberg	Leif	Domestic Violence	1	0	2/27/2012		BBPD
Broberg	Leif	Eyewitness Identification	1	0	2/27/2012		BBPD
Broberg	Leif	Use of Force	1	0	2/13/2012		BBPD
Broberg	Leif	FCIC Recertification	2	0	2/8/2012		
Broberg	Leif	AED Recertification	1	0	1/12/2012		BBPD
Broberg	Leif	Steroids and Law Enforcement	1	0	12/16/2011		BBPD
Broberg	Leif	ASP Recertification	1	0	12/16/2011		BBPD
Broberg	Leif	Taser Training	1	0	12/16/2011		BBPD
Broberg	Leif	Special Impact Munitions	1	0	12/16/2011		BBPD
Broberg	Leif	OC Recertification	1	0	12/16/2011		BBPD
Broberg	Leif	Taser IC Test	1	0	10/28/2011		BBPD
Broberg	Leif	Rachels Law	1	0	10/28/2011		BBPD
Broberg	Leif	Bias Based Profiling	1	0	10/28/2011		BBPD
Broberg	Leif	Domestic Violence	1	0	8/2/2011		BBPD

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Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	CPR / AED Recertification	4	0	6/6/2011		BBPD
Broberg	Leif	Vulnerable Elder Abuse Training	1	0	6/1/2011		BBPD
Broberg	Leif	Response to Resistance	1	0	4/15/2011		BBPD
Broberg	Leif	Eyewitness Identification	1	0	3/9/2011		BBPD
Broberg	Leif	Taser Training	1	0	11/9/2010		BBPD
Broberg	Leif	Forfeiture Training	1	0	11/9/2010		BBPD
Broberg	Leif	Bias Based Profiling	1	0	11/9/2010		BBPD
Broberg	Leif	Code of Ethics: Guide for Employees	1	0	10/26/2010		BBPD
Broberg	Leif	Hurricane and Disaster	1	0	5/3/2010		BBPD
Broberg	Leif	NCIC/FCIC Test	1	0	4/1/2010		BBPD
Broberg	Leif	Response to Resistance	1	0	3/5/2010		BBPD
Broberg	Leif	Baker Act Transportation	1	0	1/14/2010		BBPD
Broberg	Leif	FCIC Recertification	4	0	12/9/2009		
Broberg	Leif	fcic Certification	4	0	12/9/2009		BBPD
Broberg	Leif	Taser Recertification	1	0	10/30/2009		BBPD
Broberg	Leif	Confidential Informant	1	0	8/31/2009		BBPD
Broberg	Leif	Safe and Legal Booking Procedures	1	0	8/13/2009		BBPD
Broberg	Leif	CPR/AED Recertification	2	0	7/29/2009		BBPD
Broberg	Leif	Impact Weapons Training	1	0	7/7/2009		BBPD
Broberg	Leif	Defensive Spray	1	0	7/7/2009		BBPD
Broberg	Leif	Bean Bag	1	0	7/7/2009		BBPD
Broberg	Leif	Expandable Baton	1	0	7/7/2009		BBPD
Broberg	Leif	OC/Defensive Spray	1	0	7/7/2009		BBPD
Broberg	Leif	Special Impact Munitions	1	0	7/7/2009		BBPD
Broberg	Leif	Forfeiture Training	1	0	12/26/2008		BBPD
Broberg	Leif	Taser Training	1	0	9/2/2008		BBPD
Broberg	Leif	Patrol Rifle	1	0	8/5/2008		BBPD
Broberg	Leif	SALTS Training / Human Diversity	4	0	11/16/2007		
Broberg	Leif	Juvenile Sex Offender	1	0	11/16/2007		BBPD
Broberg	Leif	Domestic Violence	2	0	11/16/2007		BBPD
Broberg	Leif	Special Victims Investigations	1	0	11/16/2007		BBPD

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Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	Active Shooter Training	5	0	11/15/2007		BBPD
Broberg	Leif	Emergency Restraint Chair Training	1	0	10/30/2007		BBPD
Broberg	Leif	Taser Training	2	0	10/24/2007		BBPD
Broberg	Leif	Expandable Baton	2	0	10/24/2007		BBPD
Broberg	Leif	DT's	3	0	10/24/2007		BBPD
Broberg	Leif	Criminal Law	3	0	10/23/2007		BBPD
Broberg	Leif	AED/CPR	2	0	10/23/2007		BBPD
Broberg	Leif	Criminal Law	3	0	10/23/2007		Chambers
Broberg	Leif	Use of Force	1	0	10/23/2007		BBPD
Broberg	Leif	First Responder	1	0	10/23/2007		BBPD
Broberg	Leif	IC 202 - Command & Supervision Direction	1	0	5/1/2007		BBPD
Broberg	Leif	IC 2006 Subpoena & Court Obligations Testing	1	0	2/28/2007		BBPD
Broberg	Leif	IC 1204 Forfeiture of Property Testing	1	0	1/1/2007		BBPD
Broberg	Leif	IC 401 - Use of Force	1	0	5/1/2006		
Broberg	Leif	SALTS Training	4	0	4/19/2006		BBPD
Broberg	Leif	Domestic Violence	2	0	4/19/2006		BBPD
Broberg	Leif	Human Diversity - Sexual Harassment	4	0	4/18/2006		BBPD
Broberg	Leif	Human Diversity - Sexual Harassment	4	0	4/18/2006		BBPD
Broberg	Leif	PLI - February 2006	1	0	3/8/2006		
Broberg	Leif	PLI - January 2006	1	0	3/8/2006		
Broberg	Leif	PLI - December 2005	1	0	12/28/2005		
Broberg	Leif	PLI - November 2005	1	0	12/28/2005		
Broberg	Leif	Use of Force / Taser Update	1	0	12/20/2005		BBPD
Broberg	Leif	AR15 Training	8	0	11/22/2005		PBSO Range
Broberg	Leif	AED	1	0	11/1/2004		BBPD
Broberg	Leif	Bloodborne Pathogenes Recertification	2	0	11/1/2004		BBPD
Broberg	Leif	Juvenile Sex Offender	1	0	11/1/2004		BBPD
Broberg	Leif	Crimes Against Elderly	1	0	11/1/2004		BBPD
Broberg	Leif	PPE	5	0	11/1/2004		BBPD
Broberg	Leif	User Group for ADORE Clients	8	0	10/21/2004		Palm Beach
Broberg	Leif	Michelle Norton Story	4	0	4/12/2004		BBPD

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Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	Verbal Judo	2	0	4/7/2004		BBPD
Broberg	Leif	ASP Recertification	2	0	4/7/2004		BBPD
Broberg	Leif	Use of Force	1	0	4/7/2004		BBPD
Broberg	Leif	Taser Training	5	0	4/7/2004		BBPD
Broberg	Leif	Bloodborne Pathogenes Recertification	2	0	11/25/2003		BBPD
Broberg	Leif	Police Driving	8	0	10/22/2003		PBSO Range
Broberg	Leif	Victim Advocate	1	0	10/22/2003		BBPD
Broberg	Leif	Use of Force	1	0	10/22/2003		BBPD
Broberg	Leif	PLI	1	0	8/22/2003		BBPD
Broberg	Leif	PLI	1	0	8/22/2003		BBPD
Broberg	Leif	PLI	1	0	8/22/2003		BBPD
Broberg	Leif	PLI	1	0	7/5/2003		BBPD
Broberg	Leif	PLI	1	0	4/30/2003		BBPD
Broberg	Leif	PLI	1	0	1/24/2003		BBPD
Broberg	Leif	PLI	1	0	1/24/2003		BBPD
Broberg	Leif	PLI	1	0	1/24/2003		BBPD
Broberg	Leif	Child Abuse Investigation	2	0	12/16/2002		BBPD
Broberg	Leif	Child Abuse Investigation	2	0	12/16/2002		BBPD
Broberg	Leif	Weapons of Mass Destruction	8	0	12/16/2002		BBPD
Broberg	Leif	Critical Incident Command	1	0	12/16/2002		BBPD
Broberg	Leif	PLI	1	0	9/30/2002		BBPD
Broberg	Leif	PLI	1	0	9/2/2002		BBPD
Broberg	Leif	PLI	1	0	7/31/2002		BBPD
Broberg	Leif	PLI	1	0	5/31/2002		BBPD
Broberg	Leif	PLI	1	0	4/29/2002		BBPD
Broberg	Leif	Firearms	5	0	3/22/2002		BBPD
Broberg	Leif	Handcuffing-Hobble-Swarm	2	0	3/22/2002		BBPD
Broberg	Leif	Special Impact Munitions	2	0	3/22/2002		BBPD
Broberg	Leif	Bloodborne Pathogenes Recertification	2	0	3/19/2002		BBPD
Broberg	Leif	Fire Suppression	1	0	3/19/2002		BBPD
Broberg	Leif	AED	2	0	3/19/2002		BBPD

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Training-showing all completed 8/19/2015

Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	CPR Recertification	4	0	3/19/2002		BBPD
Broberg	Leif	Juvenile Sex Offender	1	0	3/19/2002		BBPD
Broberg	Leif	Domestic Violence	1	0	3/19/2002		BBPD
Broberg	Leif	Use of Force	1	0	3/19/2002		BBPD
Broberg	Leif	Human Diversity	4	0	3/18/2002		BBPD
Broberg	Leif	SALTS Training	6	0	3/18/2002		BBPD
Broberg	Leif	PLI	1	0	1/27/2002		BBPD
Broberg	Leif	PLI	1	0	1/3/2002		BBPD
Broberg	Leif	PLI	1	0	11/30/2001		BBPD
Broberg	Leif	PLI	1	0	11/2/2001		BBPD
Broberg	Leif	PLI	1	0	9/26/2001		BBPD
Broberg	Leif	PLI	1	0	8/30/2001		BBPD
Broberg	Leif	PLI	1	0	7/29/2001		BBPD
Broberg	Leif	AED	4	0	7/1/2001		BBPD
Broberg	Leif	PLI	1	0	7/1/2001		BBPD
Broberg	Leif	PLI	1	0	5/2/2001		BBPD
Broberg	Leif	PLI	1	0	3/12/2001		BBPD
Broberg	Leif	Bloodborne Pathogenes Recertification	1	0	3/1/2001		BBPD
Broberg	Leif	PLI	1	0	2/1/2001		BBPD
Broberg	Leif	PLI	1	0	12/1/2000		BBPD
Broberg	Leif	Fire Suppression	1	0	11/28/2000		Range
Broberg	Leif	PLI	1	0	11/3/2000		BBPD
Broberg	Leif	PLI	1	0	10/1/2000		BBPD
Broberg	Leif	PLI	1	0	8/31/2000		BBPD
Broberg	Leif	FCIC Certification	4	0	7/31/2000		BBPD
Broberg	Leif	PLI	1	0	7/28/2000		BBPD
Broberg	Leif	PLI	1	0	7/5/2000		BBPD
Broberg	Leif	PLI	1	0	5/31/2000		BBPD
Broberg	Leif	Juvenile Sex Offender	2	0	5/3/2000		BBPD
Broberg	Leif	OC Recertification	2	0	5/3/2000		BBPD
Broberg	Leif	DUI/Insurance Training	2	0	5/3/2000		BBPD

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Training-showing all completed 8/19/2015

Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	PLI	1	0	3/29/2000		BBPD
Broberg	Leif	PLI	1	0	3/29/2000		BBPD
Broberg	Leif	PLI	1	0	3/2/2000		BBPD
Broberg	Leif	Sidehandle Recertification	4	0	2/22/2000		BBPD
Broberg	Leif	PLI	1	0	2/2/2000		BBPD
Broberg	Leif	Preventing Sexual Harassment	2	0	2/1/2000		BBPD
Broberg	Leif	PLI	1	0	12/21/1999		
Broberg	Leif	PLI	1	0	11/1/1999		BBPD
Broberg	Leif	PLI	1	0	10/1/1999		BBPD
Broberg	Leif	PLI	1	0	9/1/1999		BBPD
Broberg	Leif	PLI	1	0	7/31/1999		BBPD
Broberg	Leif	PLI	1	0	6/30/1999		BBPD
Broberg	Leif	PLI	1	0	5/27/1999		BBPD
Broberg	Leif	Police Driving	8	0	5/26/1999		PBSO Range
Broberg	Leif	PLI	1	0	4/25/1999		BBPD
Broberg	Leif	CPR Recertification	4	0	4/14/1999		Range
Broberg	Leif	Bloodborne Pathogenes Recertification	4	0	4/14/1999		Range
Broberg	Leif	PLI	1	0	2/27/1999		BBPD
Broberg	Leif	PLI	1	0	1/30/1999		BBPD
Broberg	Leif	PLI	1	0	12/25/1998		BBPD
Broberg	Leif	PLI	1	0	11/18/1998		BBPD
Broberg	Leif	PLI	1	0	10/31/1998		BBPD
Broberg	Leif	PLI	1	0	9/30/1998		BBPD
Broberg	Leif	PLI	1	0	8/26/1998		BBPD
Broberg	Leif	PLI	1	0	7/29/1998		BBPD
Broberg	Leif	PLI	1	0	6/24/1998		BBPD
Broberg	Leif	PLI	1	0	5/16/1998		Boynton Beach
Broberg	Leif	PLI	1	0	5/16/1998		BBPD
Broberg	Leif	PLI	1	0	4/29/1998		BBPD
Broberg	Leif	PLI	1	0	3/28/1998		BBPD
Broberg	Leif	OC Recertification	4	0	3/18/1998		BBPD

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Training-showing all completed 8/19/2015

Last Name	First Nam	Name of Course	Hours Mandatory	Hours Incentive	Date1	Date2	Location
Broberg	Leif	Lead Abatement	2	0	3/18/1998		BBPD
Broberg	Leif	Domestic Violence	2	0	3/18/1998		BBPD
Broberg	Leif	PLI	1	0	2/28/1998	2/28/1998	Boynton Beach
Broberg	Leif	PLI	1	0	1/31/1998		BBPD
Broberg	Leif	PLI	1	0	12/29/1997		BBPD
Broberg	Leif	PLI	1	0	11/16/1997		BBPD
Broberg	Leif	PLI	1	0	10/27/1997		Boynton Beach
Broberg	Leif	Human Diversity	8	0	10/15/1997		FOP Lodge
Broberg	Leif	PLI	1	0	9/16/1997		Boynton Beach
Broberg	Leif	PLI	1	0	8/30/1997		BBPD
Broberg	Leif	PLI	1	0	7/23/1997		BBPD
Broberg	Leif	PLI	1	0	6/25/1997		BBPD
Broberg	Leif	PLI	1	0	5/20/1997		BBPD
Broberg	Leif	CPR	4	0	3/1/1997		BBPD
Broberg	Leif	Stop Stick Training	1	0	7/23/1996		Range
Broberg	Leif	Police Driving	8	0	11/22/1995		BBPD
Broberg	Leif	OC Recertification	2	0	7/14/1995		BBPD
Broberg	Leif	OC Recertification	2	0	6/14/1995		BBPD
Broberg	Leif	Bloodborne Pathogenes Recertification	4	0	4/5/1995		BBPD
Broberg	Leif	Bloodborne Pathogenes	2	0	6/22/1994		BBPD
Broberg	Leif	Human Diversity	16	0	4/6/1994		BBPD
Broberg	Leif	Sidehandle Certification	8	0	2/23/1994		BBPD
Broberg	Leif	Officer Survival	48	0	11/17/1993		BBPD
Broberg	Leif	Bloodborne Pathogenes	4	0	3/10/1993		BBPD
Broberg	Leif	CPR	4	0	2/1/1993		BBPD
Broberg	Leif	Advanced Report Writing and Review	0	40	11/30/1992	12/4/1992	PBCC
Broberg	Leif	DDC-4 Defensive Driving Course	0	0	9/23/1992		
Broberg	Leif	Basic Recruit	668	0	5/14/1992		

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POLICE BENEVOLENT ASSOCIATION, INC.

2100 N. Florida Mango Road • West Palm Beach, FL 33409-6400 • (561) 689-3745 • (561) 687-0154 Fax
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August 18, 2015

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Kevin Igo
PBSO
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Greg Allen
Palm Beach Gardens PD
Sgt.-at-Arms

SENT BY EMAIL: Prainitoj@bbfl.us

Janet M. Prainito, MMC
City Clerk
City of Boynton Beach
100 E. Boynton Beach Blvd
Boynton Beach, FL 33435

Re: **Records Request Pursuant to Chapters 119 and 447, F.S.**
Request # 15-082

Dear Ms. Prainito.

This is a Request for Records under Chapters 119 and 447, Florida Statutes, for copies of the following documents:

> The entire investigative file opened in consequence of, and any and all files related to, the Whistle-Blower complaint filed by Sergeant Leif Broberg on or about May 5, 2015 including, but not limited to: all recorded interviews and notes with regard to same; all emails pertaining to Sgt. Broberg's complaint generated and/or received by City Manager LaVerriere, Human Resources Director Oldbury, Police Chief Katz, Major Crawford, and Detective Crawford; and, any and all communications to and/or from the F.B.I. and State Attorney's Office personnel pertaining to said complaint.

These records are necessary in order to enable the Union to properly represent its bargaining units members. We believe these records also are public records as defined in the law.

In accordance with the law, please forward the requested documents to me by no later than **Tuesday, August 26, 2015.** If the cost will exceed $50.00, please advise me before making copies. If possible, these records should be produced in digital format (i.e., CD, via email, DROPBox or other such digital transmission).

If you assert that an exemption applies to a particular public record or part of such record, you are required to delete or excise from the record only that portion with respect to which an exemption has been asserted and validly applies. You are required to produce the remainder of such record for

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EXHIBIT "H"

inspection and examination. If you contend that any of the requested records are exempt from inspection and copying, please state in writing both the statutory citation to any exemption which you claim applies and the specific reasons for a conclusion that any requested record is exempt. We believe that none of the records which we have requested are exempt from inspection and copying.

Thank you for your attention to this matter.

Sincerely,

Gary Lippman
General Counsel

GL/adt
ECopy: John Kazanjian, President

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The City of Boynton Beach

OFFICE OF THE CITY MANAGER
100 E. Boynton Beach Boulevard
P.O. Box 310
Boynton Beach, Florida 33425-0310
City Manager's Office: (561) 742-6010
FAX: (561) 742-6011
e-mail: laverriere@bbfl.us
www.boynton-beach.org

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September 8, 2015

SENT VIA FEDERAL EXPRESS

Sergeant Leif Broberg
17069 Temple Boulevard
Loxahatchee, FL 33470

Re: Predetermination Conference

Dear Sgt. Broberg:

I received a recommendation from Chief Katz that your employment with the City of Boynton Beach be terminated. A copy of the Chief's recommendation is attached. The Chief has recommended termination for a violation of Boynton Beach Police Department Rules and Regulations, as follows:

a. Index Code 302, Rule 1.3 Compliance with Orders

b. Index Code 302, Rule 2.5 Insubordination/Intentional Undermining

c. Index Code 302, Rule 3.3 Participation in Administrative Investigations

d. Index Code 302, Rule 4.9 Neglect of Duty

Details of your acts and omissions which describe how these rules were violated are set forth on the attached documentation.

I am affording you the opportunity for a pre-determination conference on your behalf before I or my designee act on the Chief's recommendation. You may choose to attend this pre-determination conference alone or with a representative of your choice. You may also elect to accept the recommended discipline and decline a predetermination conference if that is your choice.

The pre-determination conference is scheduled for Tuesday, September 22, 2015, at 1:00 p.m. in Conference Room B, Second Floor of City Hall.

EXHIBIT "I"

If you elect to have a predetermination conference it will be handled as follows:

1. At the predetermination conference you may present oral or written statements or both to refute or explain the facts which gave rise to the charges or reasons for the action or provide such other information which would constitute a defense or mitigation to the charges or the proposed discipline. You will not be allowed to cross-exam witnesses at this stage of the proceeding, but in the event I or my designee accept the Chief's recommendation for discipline, you may request (following the procedures set forth in your collective bargaining agreement) a post-discipline hearing at which time you may confront and cross-examine witnesses against you.

2. At the predetermination conference you may bring a representative to advise or assist you.

3. The intent of the predetermination conference is the City's desire to reduce the risk of error in taking the proposed discipline action against you and to avoid damaging your reputation by untrue or erroneous charges. Accordingly, I am interested in receiving and considering your response and will take your response into full consideration. I will consider your response to the charges and reevaluate the proposed action after reviewing the information presented by you and thereafter affirm, reject, or alter the recommendation for disciplinary action as may be warranted.

4. The predetermination conference will proceed as follows:

A. The predetermination conference will be conducted by me or my designee, with the assistance of the City Attorney or his designee.

B. The predetermination conference will commence promptly at the scheduled time and date.

C. All participants who attend the conference will be identified for the benefit of the court reporter who will be in attendance to transcribe the conference.

D. I, my designee, the City Attorney or his designee will read paragraph 3 above, reconfirming the purpose of the predetermination conference.

E. The conference will be informal and shall not be in the nature of an evidentiary conference.

F. You may bring a representative or representatives to assist you or advise you, but no discovery, cross-examination or similar legal procedures are permissible.

G. You will be permitted the opportunity to submit relevant information, orally or in writing, or both. I or my designee will not comment on the information which you provide at that time, but subsequent to the predetermination conference, will weigh it as is deemed proper.

H. I or my designee reserves the right to conduct further investigation or inquiry if you provide information which is deemed necessary to substantiate.

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I. If you choose not to attend the predetermination conference or, if you attend the predetermination conference and offer nothing in defense or mitigation of the charges, I or my designee will proceed on the basis of the best information I or my designee can obtain without such a response from you.

J. As soon as practical after the predetermination conference, you will be advised in writing whether the recommended discipline is sustained or whether it will be modified or overruled.

K. If I, or my designee, proceed with adverse disciplinary action, you may exercise any right of review provided to you under the terms of your collective bargaining agreement.

You are directed to return the attached election form to the City Manager's office by **3:00 p.m. on Wednesday, September 16, 2015.**

With Regards,

Lori LaVerriere
City Manager

LL/lms

cc: James A. Cherof, City Attorney
Gary Lippman, Esquire (via federal express and email)

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ELECTION OF RIGHTS

(Please check one)

I, SERGEANT LEIF BROBERG, hereby elect:

1. To waive my right to a pre-determination conference and thereby accept the recommended discipline. ☐

2. To have a pre-determination conference. ☐

DATED:

SERGEANT LEIF BROBERG

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Treasurer

Kevin Igo
PBSO
Secretary

Greg Allen
Palm Beach Gardens PD
Sgt.-at-Arms

September 11, 2015

Sent by Email transmission: laverrierel@bbfl.us
Certified Mail #7011 3500 0002 1520 4485
Return Receipt Requested
And Regular U.S. Mail

Lori LaVerriere, City Manager
City of Boynton Beach
100 E. Boynton Beach Boulevard
Boynton Beach, FL 33425

Re: Boynton Beach Police Sergeant Leif Broberg
REQUEST PURSUANT TO §112.532(4)(b), FLORIDA STATUTES AND REQUEST FOR PREDETERMINATION CONFERENCE

Dear Ms. LaVerriere:

As you know, I am the referenced law enforcement officer's representative. Pursuant to the Florida State Statute referenced above, request hereby is made on his behalf for "a complete copy of the investigative file, including the final investigative report and all evidence" reviewed, relied upon, or otherwise considered in advance of the recommendation that Sgt. Broberg be terminated.

Pursuant to the Florida law requiring you to provide Sgt. Broberg the aforementioned records, he also is afforded the right to address "the findings" in the report(s) before his termination may be imposed. Accordingly, by this communication on behalf of Sgt. Broberg he elects, also, to have a pre-determination conference. For your convenience, I have enclosed your form "Election of Rights" executed by me.

To the extent that Sgt. Broberg was advised by letter dated August 14, 2015 from Police Chief Katz that "a full and impartial administrative investigation" would be conducted by "[a]n internal affairs investigator," and the Chief's August 18, 2015 memorandum to you referenced "the findings, supporting evidence and [ ] the interviews" of an "investigation" by Human Resources Director Julie Oldbury, we reasonably expect two (2) investigative files, two (2) final investigative reports, and a number of recorded interviews, among other things constituting "all evidence" the City will be producing responsive to the request under Chapter 112, Florida Statutes. If the City possesses additional evidence which supports "findings" relating to the subject recommendation(s), we expect the City will produce those things, also.

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EXHIBIT "J"

Accordingly, based upon the volume of records we expect from the City, on Sgt. Broberg's behalf, request hereby also is made to re-schedule the Predetermination Conference for a date and time reasonably after my receipt of all of the aforementioned reports and evidence in order that Sgt. Broberg may review the subject records so as to "address the findings" by which he now is subject to termination. The Predetermination Conference will need to be rescheduled, in any event, so as to afford Sgt. Broberg's counsel to attend.

As you know, also, Sgt. Broberg currently is on administrative leave, so he will need authorization to meet with me in order to review the files and all evidence in advance of the Predetermination Conference; which meeting also cannot be scheduled until reasonably after my receipt of the subject files and all evidence..

Should you have any questions or concerns about the foregoing requests, please do not hesitate to call me.

Respectfully,

Gary Lippman
General Counsel

/adt
Encl.
Cc: John Kazanjian, President
Sgt. Leif Broberg
James A. Cherof, City Attorney (by email only)

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ELECTION OF RIGHTS

(Please check one)

I, SERGEANT LEIF BROBERG, hereby elect:

1. To waive my right to a pre-determination conference and thereby accept the recommended discipline. ☑

2. To have a pre-determination conference. ☐

DATED: 9/10/2015

SERGEANT LEIF BROBERG

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Kevin Igo
PBSO
Secretary

Greg Allen
Palm Beach Gardens PD
Sgt.-at-Arms

September 16, 2015

Sent by Email transmission: laverrierel@bbll.us
Certified Mail #7014 0510 0002 1714 4751
Return Receipt Requested
And Regular U.S. Mail

Lori LaVerriere, City Manager
City of Boynton Beach
100 E. Boynton Beach Boulevard
Boynton Beach, FL 33425

Re: Boynton Beach Police Sergeant Leif Broberg
REQUEST PURSUANT TO CHAPTER 447, FLORIDA STATUTES
PRR # 15-091

Dear Ms. LaVerriere:

Last week I sent you a request for all of the records upon which Police Chief Katz purportedly relied in making his recommendation that you terminate Sergeant Leif Broberg's employment; which request was made at the same time that a request was made on his behalf for a pre-determination conference.

Since your receipt of the aforementioned requests we have neither received the subject records nor otherwise heard from you as to when we might reasonably expect those records' production; and, neither have we heard from you in response to the request that your pre-scheduled pre-determination conference, set for this coming Tuesday, September 22nd, 2015, be rescheduled until reasonably after our receipt of the requested records so as to afford Sgt. Broberg the opportunity to review them.

Pursuant to Article 2 of our current Collective Bargaining Agreement and the referenced Florida Law, we reiterate our request for copies of all the records reviewed, relied upon, or otherwise considered by Police Chief Katz in advance of his recommendation that you terminate Sergeant Leif Broberg. The requested records are necessary in order for the PBA to represent bargaining unit member Broberg.

Thank you for your attention to this matter.

Respectfully,

Gary Lipprnan
General Counsel

/adt
Encl.
Cc: John Kazanjian, President
Sgt. Leif Broberg
James A. Cherof, City Attorney (by email only)

EXHIBIT "K"

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